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No. 1883

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT.

TRANSCRIPT OF RECORD.

THE UNITED STATES OF AMERICA (Complainant),
Appellant,

vs.

THE BARBER LUMBER COMPANY (a Corporation),
(Defendant), Appellee.

VOLUME XIII.

(Pages 4801 to 5184, Inclusive.)

Upon Appeal from the United States Circuit Court
for the District of Idaho, Central
Division.

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(Deposition of James T. Barber.)

By Mr. MOON.—I think, Mr. Gordon, that Mr. Steunenberg reported in a letter to us that those lands up there would run about 12,000 feet to the acre on Downs' estimate, and I think that was the only estimate we had. He simply said that Downs' estimate, that is the only estimate we had, that Steunenberg told us it would run 12,000 to the acre or 12 or 13 thousand to the acre or something like that.

By Mr. BUNDY.—Possibly you ought to explain about taking in eight or ten of them without waiting for Taylor.

By Mr. BARBER.—My recollection is that there was a sort of an attempt to pool the issues and force the prices up. We were very anxious to break the combination without having to buy some of the claims.

By Mr. BUNDY.—The other fellows were trying to get options and the first man on the market with the money got the goods. The theory of the timber and stone entrymen was to get their timber and stone claims and hold it, and as soon as they get them they want someone to buy them as soon as they can.

By Mr. KEIGWIN.—Except Arthur Anderson he wanted his for firewood. It is stipulated by and between the parties by the respective attorneys that the letters on file which have been exhibited to the attorneys for the Government, number something in excess of 1300. It is further stipulated that the letters offered on the part of the Government by copy

(Deposition of James T. Barber.)

when A. B. Camel is examined at St. Paul may be reoffered without objection on the part of the defendant as to the same being copies.

It is further stipulated that the time in which to finish defendant's evidence be extended until 2 o'clock *May, 1909*, and that an order may be entered nunc pro tunc to that effect.

Examination adjourned until 9 o'clock A. M. *May 19, 1909*.

May 19, 1909, 9 o'clock A. M. Examination resumed.

**[Deposition of S. G. Moon, for the Defendants
(Recalled).]**

S. G. MOON, recalled as a witness, testified as follows:

Cross-examination.

(By Mr. GORDON.)

Q. Mr. Moon, I have a letter here taken from the files of the Barber Lumber Company dated June 30-02, in which he says, "I enclose copy of a letter from Steunenberg re patents."

Attached is a copy of a letter in typewriting dated Sho Shone, Idaho, June 28-02, which purports to be a copy of a letter sent by Frank Steunenberg and addressed to Mr. Palmer in which he says, "Did intend to go with them. Replied to Chapman but anticipate that entries would be proved have concluded to remain."

Do you understand what that part of the Steunenberg letter meant?

(Deposition of S. G. Moon.)

A. I don't remember it particularly now.

By Mr. BUNDY.—I should think the Palmer letter would show what it meant. In re patents he said, everybody knew he didn't have any patents that time.

By Mr. GORDON.—They were holding up entries about that time?

By Mr. BUNDY.—They were all held up at that time.

By Mr. GORDON.—They were more concerned about the entries than the patents at that time, I mean entries being proved, letting them through and getting final receipts.

By Mr. MOON.—Final receipts were coming then?

By Mr. BUNDY.—Yes, began coming in June.

By Mr. MOON.—But it was after that time Steunenbergh wrote that letter saying he was taking deeds on final receipts. It is after that time that we know patents—

By Mr. GORDON.—Mr. Moon, I have a copy of a telegram dated April 4-1902, addressed by S. G. Moon to A. E. Palmer, Spokane, Wash., which reads:

“Yes, if everything seems square.” This telegram has been read into the record and I have an indistinct recollection that you gave an explanation of it and why it happened to be in the files and not in the letter-press book. Do you remember whether you did or if you did not?

A. I said that it might have been that we sent the telegram from the telegraph office, but I don't remember distinctly about it. It might have been that the boy come up there and delivered a telegram and

(Deposition of S. G. Moon.)

was waiting for an answer and I just wrote it off and gave it to the boy and wrote that copy. I sometimes do that. It may have been that I—well, the only thing I can think of now; reason why I did it,

Q. This was written by pen and ink and is in your handwriting, is it? A. Yes, sir.

Q. Would the fact that that telegram does not have the appearance of having been folded, carried in your pocket, indicate to whether or not you wrote it at your home and then carried it to the office?

A. I might have written it at the telegraph office on the way to my office and carried it unfolded, I don't know.

Q. When were these files started; sometime in 1907, were they not? A. What files?

Q. These files.

Q. Do you mean that cabinet?

A. Yes.

Q. I think earlier than that.

Q. When do you remember?

A. I don't remember; Mr. Cotten can tell you exactly. You might possibly find a charge for it on the books.

By Mr. BUNDY.—It was long before that?

By Mr. GORDON.—This cabinet was purchased to the best of your recollection during the year of 1903 or 1904?

A. I have no distinct recollection just when it was; it was I should say considerably earlier than 1907; the date can be determined. We can find the bill for it.

(Deposition of S. G. Moon.)

Q. They began to keep the letters, copies of letters sent by either you or Mr. Barber concerning the transaction of the Barber Lumber Company in that case after April 3-07; is that correct as a regular thing? A. Kept the copies of—

Q. All letters sent by you or Mr. Barber on behalf of yourselves or the Barber Lumber Company were kept in that cabinet after April 3-07?

A. About that time.

Q. I fix that date because the last date as I remember it, the last letter in the Barber Lumber Company letter-book is April 3-07.

By Mr. BARBER.—The cabinet was paid for on the 30th day of June, 1903, as shown by the books of the company.

By Mr. BUNDY.—The cabinet, Mr. Barber, you refer to was produced here for the benefit of the Government's attorneys and contains the correspondence of the Barber Lumber Company.

(By Mr. BARBER.)

A. Yes, sir.

By Mr. GORDON.—Mr. Moon, is the telegram that I have just read you an exact copy of telegram you wrote and sent to A. E. Palmer on the date it bears? A. Yes, sir.

Q. And was this copy we have here made on the date that it bears? A. Yes, sir.

Q. Mr. Moon, in the books that were shown you the other day marked Plaintiff's Exhibit 141A, I find in that book some marks that are merely a dot or a straight mark and others that are checks or

(Deposition of S. G. Moon.)

shaped like W and others are crosses or x's. Now to a lumberman do these different marks mean different things?

A. They might mean different things, they don't convey any meaning to me in this particular instance. I will say that when I am checking the same plat and want to indicate some differences I check them a different way.

Q. But I mean do you make a straight mark or a V or an X on the map to state your views?

A. I used I think invariably, in making plats, I used a check mark or cross or letter. I have records of a great many plats that I have made and I think they are all marked either with a cross, check mark or letter.

Q. Mr. Moon, do you remember what writing you put in this book? What markings you put in this book there; as I understood you to say, you wrote the indexes to the heading at the top of the page?

A. I remember I checked off the lands which we had deeds for at the time I sent the book out.

Q. Can you look at the various pages there and tell your check marks on the various pages?

A. No, sir, I do not think I can.

By Mr. BUNDY.—Did you make any of those straight marks?

A. No, sir, from looking at the book I should think part of these V-shaped markings were made by me and part by Mr. Chapman.

By Mr. GORDON.—Can you tell which were made by you by page?

(Deposition of S. G. Moon.)

A. No, sir, I think there is some on different pages.

Q. Can you distinguish between your check marks and Mr. Chapman's? A. No, sir.

Q. Can you tell your own when you see them?

A. No, I would not be sure of them. It seems to be a little difference in the check marks, but they are so nearly alike it would be hard to pick them out.

[Deposition of James T. Barber, for the Defendants (Recalled).]

JAMES T. BARBER, recalled, testified as follows:

(By Mr. GORDON.)

Q. Mr. Barber, on page 611 of the Northwestern Lumber Company's letter-press copy-book, I find letter dated March 12-02, addressed to Wm. Carson, First National Bank, Burlington, Iowa, signed J. T. Barber. Beginning at the second paragraph the letter reads:

"Governor Steunenberg is here today. I am in hopes we will be able to fix up some kind of a deal before night, whereby we get control of the four to eight hundred millions of timber in the Boise Basin about which I wrote you recently. When you are here in Eau Claire and have a talk with our S. G. Moon (Jack) he will be able to tell you everything that has been done.

Yours very truly,

J. T. BARBER."

(Deposition of James T. Barber.)

Then in ink underneath that is written:

“Since writing above we have practically closed with the Governor.” That is a letter that was written the day you went away and that is the day that you and Mr. Moon and possibly the Governor signed that contract and then it was sent to Mr. Palmer and he was not to act until it was approved by him and it was later, “in April.”

A. That is the date, yes, sir.

Q. And the postscript was all written at the same time?

A. Yes, sir.

By Mr. BUNDY.—You will find a letter also to Palmer saying, “Shall I go to Boise to have the Governor sign the contract”?

By Mr. GORDON.—Mr. Barber, did you and Mr. Moon accept the first proposition that was advanced by Governor Steunenberg and were there any changes made in it after you left here?

A. Why, there was quite a good deal of discussion and negotiation. Now, I don’t remember the full result of that, the full process of it. My impression is that there was some modification of what he proposed to do, but I can’t state at the present time.

By Mr. GORDON.—Mr. Moon, you have heard the question asked, would you make the same answer, or have you any recollection on the subject?

By Mr. MOON.—I have no recollection particularly; I don’t remember that he made any definite proposition at first. We talked to him a while and he said there was this timber out there and he said a good deal of the land was surveyed and timber could

(Deposition of James T. Barber.)

be acquired. Very early in the talk we called in Mr. Frawley or sent him to Mr. Frawley to find out if it was all right, and as I remember Mr. Frawley advised us that it was.

By Mr. BUNDY.—Mr. Gordon seems to think there was some definite proposition made to you folks.

By Mr. GORDON.—I did think that from the prospectus that was left here. I have not seen anybody *to* has testified to that.

By Mr. BUNDY.—Mr. Camel testified to that. He, said he didn't read it, he pushed it over to one side of his desk.

(By Mr. GORDON.)

Q. Mr. Barber, I find on page 586 of the Northwestern Lumber Company's book a telegram, evidently, or a letter, it is difficult to distinguish which it is, dated Eau Claire, March 7-02, addressed to A. E. Palmer, Spokane, Washington.

“Will you serve as treasurer of corporation to develop Steunenberg scheme and be responsible for prompt application of funds.

J. T. BARBER.”

You remember signing that?

A. Yes, sir; it is a telegram; I sent it.

Q. Mr. Moon, I find on page 1293 of the D. R. Moon letter-book a telegram dated July 7-02 addressed to Frank Steunenberg, Boise, Idaho, signed S. G. Moon, which reads as follows: “Have taken matter up by letter with three parties in Washington.”

(Deposition of James T. Barber.)

Q. Do you remember sending that telegram?

A. What date is that?

Q. July 7-02. A. Yes, sir; I do.

Q. Do you remember who the three parties in Washington were you took the matter up with?

A. Not definitely; I think the only person that the matter was taken up with through our office was Senator Spooner by Mr. Barber. I think, however, that Mr. Carson wrote to Senator Ellison perhaps to the same effect and either he or Mr. McCartany took it up with somebody else.

Q. Do you know who the somebody else was?

A. No, I don't. If Mr. Carson took it up it was probably some Iowa man and if Mr. McCartany it was probably some Minnesota man.

Q. I don't care about that, Mr. Moon, I find in the D. R. Moon letter-press copy-book 1534 a letter written by you to Mr. Barber, no date, but letter copied immediately after it is dated July 27 and the letter preceding it is dated July 23d. In this letter you say, "I have a letter from Steunenbergh, enclosing a statement of moneys received and the expenses paid by him; but does not go back of February 11, this year, though he says he is hurrying the statement up as fast as possible." This statement refers to one of the statements that is in evidence here?

A. I presume it is; I can't tell until I look it over.

By Mr. BUNDY.—There is the statement he has referred to.

A. Yes, sir; this is the statement dated July 7, and marked in evidence as number 280.

(Deposition of James T. Barber.)

Q. I find in the Northwestern Lumber Company's book, Mr. Barber, 1110, a letter dated October 9-02, and addressed to Frank Steunenberg, Caldwell, Idaho, and signed by James T. Barber, Pres., reads as follows:

"Your nice letter of the 3rd inst. came duly to hand and in connection with logging matters on the Boise River property we would suggest that if Mr. Downs has not returned upon receipt of the letter, you would employ the estimator about whom you wrote us some time ago and get us as much information as possible before bad weather sets in and work of this kind is impracticable. It might be well to employ this man under any circumstances and accumulate as much information along the river as possible."

Q. That refers to Downs there. I don't know whether you explained it or not. Was that to get his views as to logging qualities of the river?

A. Yes, sir.

Q. Mr. Barber, at page 1248 of the Northwestern Lumber Company's book, I find a letter dated December 26-02, addressed to Hon. Jos. V. Quarrels, U. S. Senator, signed J. T. Barber.

Second paragraph reads as follows:

"I notice that you acting under recommendations contained in the President's message have indorsed a bill in the Senate to repeal a bill what is commonly known as the timber and stone act, whereby any one can obtain 160 acres of land belonging to the Government when it can be shown that the timber and stone on such lands constitutes its principal

(Deposition of James T. Barber.)

value. Will you kindly let me know if it is your intention to push this measure to a conclusion at this session of Congress. We have some extensive interests in Idaho and tributary to our operations is a large tract of Government land. Scattered through the country are many old stranded placer miners who are taking up timber and stone claims for the purpose of getting a new grub stake. When these men have proved up their claims and secured their title from the Government they come to us and we have in many cases bought the timber on their lands. Whether or not this will continue is important for us to know. And if this is to be prohibited by law, it is very important. Shall be pleased to hear from you fully on this subject at your earliest convenience."

Mr. Barber, did you understand that if the Timber and Stone Act was repealed it would be withdrawn in for entry by entrymen and by any individual acquiring it by scrip or from anyone else?

A. I don't think that in that letter I had reference to anything except the repeal of the Timber and Stone Act itself.

Q. Mr. Barber, in the letter found on page 1335 of the letter-press copy-book of the Northwestern Lumber Company dated January 28, '03, and addressed to My dear Jack, I assume that means to Mr. Moon.

A. Yes.

Q. In the second paragraph, "The matters at Boise are getting decidedly mixed. I think we have succeeded in waking Steunenberg up to the fact that something has to be done if our plans are car-

(Deposition of James T. Barber.)

ried out." From the context of the letter I assume that would refer to the operations of Scofield with reference to river there? A. What is the date?

Q. January 28-03.

By Mr. BUNDY.—Read the letter, Mr. Barber, you can tell what it refers to.

A. My recollection is that it referred to the mill-site. That refers to getting control of the millsite and development around Boise.

By Mr. BUNDY.—I think you ought to state on the record something about the difficulties you had and the time you had. Have you already done that?

A. The passage in the letter just read referred to Steunenberg becoming imbued with the idea that prompt action should be taken to secure the property we deemed necessary for the millsite. Investigation had proven to us that there was only one available site. Mr. Steunenberg was very active subsequent to this time in securing this property acting through Mr. Pierce, wasn't it; what was his name, Haines or Pierce?

By Mr. BUNDY.—Both, it was Haines & Pierce, real estate agents.

By Mr. BUNDY.—It took a great deal of time to get the necessary options and a great deal of correspondence between you and the Governor relating to it, was there not, Mr. Barber? A. Yes, sir.

Q. And you had to pay a pretty large price to get it?

A. We considered the prices exorbitant on several pieces.

(Deposition of James T. Barber.)

By Mr. GORDON.—Mr. Barber, I find in the Northwestern Lumber Company's letter-press book at 845 a letter addressed to Clapp McCartany, at St. Paul, Minn., dated July 9-02, and signed J. T. Barber. The next to the last paragraph reads as follows: "I have been planning to go to Idaho the last of next month and question whether it is advisable for you to wait until that time before making the trip yourself. It seems to me that our affairs are in a critical stage when energy and prompt action may mean a great deal to us. I don't see how I can arrange to go earlier."

A. What is the date of that?

Q. July 9-02, what is the meaning there, "Our affairs are in a critical stage"?

A. I have no definite recollection of any crisis at that time, except the energy of putting efforts into millsite.

By Mr. BUNDY.—I think you are wrong about that. A. Possibly I am mistaken.

By Mr. MOON.—I don't think we had gotten to the millsite then, we wanted to get some scrip placed.

By Mr. BUNDY.—There is his report when he got back, that will show you what you had in your mind.

A. I think you are mistaken about millsite. I think it was the river about getting franchises.

By Mr. BARBER.—Mr. McCartany's letter of July 2, refreshes my mind to the extent of convincing me that I must have referred to the question of securing rights on the river and matters pertaining to

(Deposition of James T. Barber.)

the development of the plant later.

By Mr. BUNDY.—The real question implied by Mr. Gordon's question is whether it had reference to titles at all? A. No, sir.

By Mr. BUNDY.—It had nothing to do with the titles.

A. Quite a serious question came up as to the right of parties operating power plants on streams the water of which was for irrigating purposes, that was one thing that Mr. McCartany investigated at the time.

By Mr. MOON.—If you will remember, Mr. Barber, we were very much afraid at the time that Mr. Schofield or someone else would obtain river franchises and charges us excessive toll on our sawlogs for driving our sawlogs down the river.

By Mr. GORDON.—In the same letter-book page 864 is a letter dated July 17-02, addressed to Hon. Frank Steunenberg, Caldwell, Idaho, signed James T. Barber. The last sentence of which reads: "I can't close this letter without congratulating you upon the improved condition of matters in the land office at Boise."

Do you remember what the improved condition was, what happened to induce you to congratulate the Governor?

A. I don't remember the particular cause for congratulations at that time.

Q. In a letter found page 1041 of the Barber Lumber Company's book, dated September 16-02, addressed to A. E. McCartany at St. Paul, Minn.,

(Deposition of James T. Barber.)

signed J. T. Barber, last paragraph reads as follows:

“Mr. Carson, Mr. Moon and Myself had a very interesting time at Boise, and I would take the occasion to see you before long and talk over the general situation. On the whole we feel encouraged at the final successful outcome of the scheme.

Very truly,

JAMES T. BARBER,

President.”

Q. What had that reference to what had happened to cause you to feel encouraged?

A. I don't know; I suppose the thing looked better to us after we had looked at it; I don't know.

By Mr. BUNDY.—What he wants to know is what you meant by the scheme. He thinks there was a conspiracy.

A. We were referring to the development of the lumber business in the Boise country.

By Mr. GORDON.—Mr. Barber, I find on page 1063, of the Northwestern Lumber Company's copy-book, a letter dated September 19-02, addressed to Hon. Frank Steunenberg, Caldwell, Idaho, which reads as follows:

“I note contents of yours of the 15th and return the same herewith. Sincerely hope that the object in view will soon be reached through the influences exerted in this direction.

Yours very truly,

JAMES T. BARBER.”

Do you know whether that letter that was returned to Mr. Steunenberg was returned to you or not?

(Deposition of James T. Barber.)

A. I have no recollection of the letter or what it contained.

Q. I find on page 1303 of the D. R. Moon copy-book a letter dated July 17-03, addressed to A. E. Palmer, Spokane, Wash., signed S. G. Moon, which reads:

“I got a wire from Steunenberga few days ago, viz.: “Situation here most satisfactory, party is recalled; what is the news?” I presume that means that the final receipts and patents on all lands will now be forthcoming at once and you will be taking deeds.”

Mr. Barber, I remember in your examination in chief the other day, that you produced a lead pencil memorandum of a letter dated December 10, 00, which you have written to Mr. Palmer; that was written to Mr. Long; and I understood you to say you had no recollection where you made that memorandum. A. No, sir.

Q. Or where it was or how it got into these files?

A. I have none at all.

Q. Mr. Barber, almost all the correspondence that you had with the exception of a telegram received from Steunenberga were in his own handwriting, were they not?

A. Quite a large per cent of them were; I think nearly all of them.

Q. Do you remember receiving one that was not in his handwriting?

A. I think I have seen several.

By Mr. GORDON.—I have not.

(Deposition of James T. Barber.)

By Mr. BUNDY.—What are you talking about? There are some, but the bulk of them were. We will then go through here (reference to files).

By Mr. BUNDY.—There is one, there is two, there is three, there is four, there is five, there is six, there is seven, there is another, there is ten or twelve here; the bulk of them are in his handwriting.

By Mr. GORDON.—Mr. Barber, in a letter addressed to you by Frank Steunenberg at Boise, July 1,-04, taken from the files of the company, I find this expression:

“I feel that certain features of my report and the situation here, as well as my own relation with the company, would be better served by personal settlement. I have this in view, I expect to start for Eau Claire not later than next Wednesday. Would start at once, but have to attend court as a witness early next week.”

When Governor Steunenberg came did he make any explanation to you in connection with his report to the company?

A. I don't remember that he did. He didn't make any statement to me, they were all taken down by Mr. Cotten.

(By Mr. GORDON.)

Q. Mr. Barber, have you produced here all the letters written by you in behalf of the Barber Lumber Company and on behalf of yourself or received by you on behalf of the Barber Lumber Company from the date of the beginning of its transaction at Idaho down to the present time?

(Deposition of James T. Barber.)

A. Yes, sir, all that I know anything about. The files were turned over to the attorneys at the beginning of the action, since then I have had no charge.

By Mr. KEIGWIN.—By your attorney, you mean, Mr. Bundy? A. Yes, sir.

By Mr. GORDON.—Now, we have seen all of the letters that are here down to the commencement of this suit in April, '07, or the date of the filing of the suit in April, '07. Have you any objection to our seeing the other correspondence after the filing of this suit down to the present time?

A. I will leave that to my attorney.

By Mr. BUNDY.—We have no objection to your seeing anything, the letters are here right up to date and I know of none that are privileged, if there be any. Of course you would not expect to see anything relating to attorney and client, but I know of none; they are all here anyway, and I think you have seen them all. The whole file was turned over to me about two weeks ago. I have asked from time to time for letters.

By Mr. BARBER.—That is what I mean. I have not done anything with them since the beginning of this action.

By Mr. MOON.—Mr. Bundy would come up there occasionally and refer to letters and occasionally he has taken letters down here and looked them over.

By Mr. BARBER.—But the cabinet has always been in our office.

By Mr. BUNDY.—I took some letters down here and copied them.

(Deposition of James T. Barber.)

By Mr. MOON.—And returned the letters and they have been here since.

By Mr. BUNDY.—Mr. Barber, Mr. Moon is Secretary of the company? A. Yes, sir.

Q. And has the final custody of the record and affairs of the company? A. Yes, sir.

Q. And you have not personally delivered any letters to me or known what letters I had, have you?

A. No, sir.

Q. My connection in that matter has been entirely through Mr. Moon? A. Yes, sir.

By Mr. GORDON.—Mr. Barber, in looking through the correspondence between you and Mr. Chapman covering the period from April or May, 1907, I failed to find any correspondence between you and Mr. Chapman concerning his trouble before the Grand Jury. Was there any correspondence passed between you concerning that matter?

A. I have no recollection of any correspondence. Everything that I have received has been filed in there.

By Mr. KEIGWIN.—Everything that you have written?

A. Yes, sir; everything I have filed or written is in there.

By Mr. GORDON.—Mr. Barber, I find on page 779 of the letter-press copy-book of the Northwestern Lumber Company a letter dated June 28-02, addressed to the Hon. John C. Spooner, U. S. Senator, Washington, D. C.:

“My dear Sir: In looking around for localities

(Deposition of James T. Barber.)

for securing timber for lumber operations when our Wisconsin timber was exhausted, we hit upon lot of timber called yellow pine in Boise County, Idaho. In this locality formerly, Much placer mining had been done but these mines were worked out and a lot of these miners were left without employment. Some time before we began the investigation of that country, a large part of these miners saw fit to locate claims on Government land under the timber and stone act. Of course they have selected the best timber in their localities and we are anxious to buy them out as soon as they secure title to their land. These titles are long past due and in Boise land office and are held up for some reason. Some time ago a general order was made to investigate all claims on Government land, before further patents were issued, and this investigation was started in Boise County. The claimants stated their case to Senator Du Bois and he explained it to the Secretary of the Interior and a peremptory order was issued through the commissioner of the general land office to the local office at Boise to give final receipts and issue patents in the regular way. The order didn't include the stopping of the investigation and so long as this continued the local land office declined to issue final receipts and patents, despite the order. This investigation is in the hands of one L. L. Sharp, and he has got hold of 2 or 3 disgrumbled miners, who thought that they would have secured claims taken by others or could not raise the necessary location fee and from them secured affidavits charging fraud, etc.

(Deposition of James T. Barber.)

These parties, I believe, are called Joe Poncho, Nels Botchar, and one Pettis.

We would like to have this matter settled at once by telegraph if possible so that we can either scrip these claims or buy them of the claimants and go on with our plans, and to this end we would like to have the Secretary order this man Sharp to report in Washington, D. C., or anywhere else out of the Boise District and let his former order issued through the general land commissioner be carried out. If you will help us out in this matter you will place us under great obligation to you, but considerable tact must be used as we understand that DuBoise is a very jealous man and if he learned anything was being done except through him, he might throw claimants into the air. I want to assure you that so far as our interests in or knowledge of the matter is concerned, everything is perfectly straight. Kindly let me hear from you at your earliest convenience. With kindest regards, I am,

Very truly yours,

JAMES T. BARBER."

(By Mr. KEIGWIN.)

Q. Mr. Barber, in looking over this file or correspondence between you and Mr. Chapman beginning on the first of January, 1907, and going down as far as the file goes which has been placed in my hands, I don't find any letters either from you or from Mr. Chapman making any mention of the fact that he had been subpoenaed to appear before the Grand Jury there, or that he had taken the action

(Deposition of James T. Barber.)

which he did; declining to produce papers out there or writings in any way or information advising or the soliciting of advice on the other side in regard to the attitude which we should take before the Grand Jury upon production of his papers. Do you wish us to understand that there was no correspondence of that kind in the months of March, April or May in 1907?

By Mr. BARBER.—I can't state positively that there was none, I simply can state that any we may have received so far as I know about it, went into the files. I have not *certitiously* made away with any correspondence or anything of the kind.

Q. I didn't imply that you had, Mr. Barber. I didn't know whether you had regarded that as a collateral matter in your relations with the company or with Mr. Chapman or kept your letters in another file or destroyed them as received.

A. I have not kept any letters in any other file or destroyed them. I don't remember that we did have any communication with Mr. Chapman. We didn't advise him at all.

Q. Mr. Barber, your recollection of the contents of this file agrees with the statement that I have made that there was no letters in this file of that character?

A. Not that I know of.

Q. You don't know anything to the contrary?

A. No, sir.

Q. I will put the same question to Mr. Moon. Mr. Moon, you are and were in 1907 the Secretary of the company, I believe?

A. Yes, sir.

(Deposition of James T. Barber.)

Q. And had the immediate personal charge of the correspondence of the company? A. Yes, sir.

Q. Now, do you know of any letters in this file of the dates March, April or May, 1907, of the character indicated in my question to Mr. Barber?

A. I don't know of any.

Q. Don't you know as a fact that there are no such letters in that file? A. No, sir.

Q. You don't know?

A. No, sir, I don't remember of any I received or written, but there may have been. That is some quite little while ago.

Q. If any letter of that character bearing on the subject of Mr. Chapman's conduct in this matter, had been received or written you would have placed them in this file, would you? A. Yes, sir.

Q. And you have no personal recollection now whether there were or were not such letters?

A. No, sir, I don't remember of any, and I am inclined to think there were none; if there had been they would have been filed with the other correspondence. I don't remember any and I say I am inclined to believe there were none.

Q. Then, as I understand you, that I am correct in stating that there was no such letters in this file?

A. I am inclined to think you are correct.

Q. I was unable to find any; there was one letter in there in which Mr. Chapman reports that a bill has been filed against the company, but he has been unable to see it on the files of the clerk's office. There is another letter to Mr. Chapman in which Mr. Bar-

(Deposition of James T. Barber.)

ber states something about the action and that he has been damaged as much in the newspapers as by the indictment, and I think that is all there is on the subject of any legal difficulties that Mr. Chapman had.

(By Mr. BUNDY.)

Q. Was Mr. Chapman's action before the Grand Jury made at the time on your advice or advices from this end of the line, Mr. Barber?

A. No, sir.

Q. Had you any knowledge of the fact what he was going to do or refuse to do until it was over with?

A. No, sir.

Q. Did Mr. Chapman consult you at all in what course he should take in these matters?

A. No, sir.

Q. Was he under direction of attorney here, were attorneys at this end of the line consulted?

A. No, sir.

Q. Did you consult any attorney here?

A. No, sir.

Q. Mr. Chapman employed his counsel out there and for the Barber Lumber Company?

A. Yes, sir.

Q. And was Judge Price the local attorney there for the Barber Lumber Company?

A. At that time, yes, sir.

Q. And he and Mr. Frear conducted the proceedings out there?

A. Yes, sir.

Q. Mr. Moon, did you consult Mr. Chapman or he consult you as to what his attitude should be before

(Deposition of James T. Barber.)

the Grand Jury? A. No, sir.

Q. Did you know or was you informed as to what he was going to do or refuse to do until it was over? A. No, sir.

Q. Did you consult any attorney at this end of the line in regard to it? A. No, sir.

By Mr. KEIGWIN.—We understand it was understood that the letters and other documents which have been produced at this examination will be produced at the hearing of this case at Boise.

By Mr. BUNDY.—I don't so understand it, if it was your understanding you will have to get a court order to that effect.

By Mr. KEIGWIN.—I don't know that I shall want them.

By Mr. GORDON.—Just these that have been offered in evidence.

By Mr. BUNDY.—No, we have put them in evidence, to avoid that.

Br. Mr. KEIGWIN.—You will need them in the criminal case.

By Mr. BUNDY.—Of course we will in that case, but not before, but if you want any letters in evidence you will have to put them in evidence.

By Mr. KEIGWIN.—Our suggestion relates to letters that have been offered in evidence here on one hand and on the other we supposed that the letters would be there at the trial of the case.

By Mr. BUNDY.—That is not the way we try lawsuits. We have read them into the record, if you want them you will have to put them in. We won't

(Deposition of James T. Barber.)

unless the Court tells us to.

(By Mr. BUNDY.)

Q. Mr. Barber, did Governor Steunenberg ever entirely complete his contract of twenty-five thousand acres? A. No, sir.

Q. Do you recall some correspondence by which complaint was made that some of the lands he had bought and turned over to you didn't contain the required amount of timber?

A. I think that notice of that kind came to the office.

Q. Was some arrangement made between you and Governor Steunenberg at any time in a game or proceedings by which he was released from furnishing the remaining portion of the twenty-five thousand acres? A. I think so.

Q. Do you recollect anything about the date of that?

A. I can't tell the date of that; my impression is that it was when I was out there, I am not clear on the subject.

Q. Some trip when you were out there?

A. Yes, sir.

Q. Sometime later than 1903 or '04?

A. I think it was possibly the last of 1904.

Q. I see he was carried for stock as per agreement; that is there was a certain amount of stock issued to him. Now, the question is, did you finally agree to accept what lands he agreed to turn over there in compliance with his contract?

A. Yes, sir.

(Deposition of James T. Barber.)

Q. Mr. Gordan has asked you some questions relative to a letter from Mr. Sweet. I show you a letter he got from him number 1280, taken from the files of the company? A. Yes, sir.

Q. That is a letter that was received by you?

A. Yes, sir.

Q. Is that the first communication you ever had from Mr. Sweet? A. Yes, sir.

Q. Have you ever seen Mr. Sweet personally?

A. No, sir.

By Mr. BUNDY.—We offer that in evidence. It reads as follows: It is written on the letter head of the Windsor Hotel, Philadelphia.

“April 12-03.

Messrs. Barber & Moon,

Eau Claire, Wis.

Dear Sirs: I have just looked over an agreement between you and Governor Steunenberg dated one year and a month ago today. The man that drew up the agreement is an artist. It is the fairest I ever saw between man and man. I wish to inform you that I am half owner in all holdings you alleged and that I worked a large portion of last summer on tied up claims. I acknowledge I am proud to be connected with such a bill as has been secured in the east for some time in regards to the scarcity of pine timber. I saw, some time ago, in New York papers where the Diamond Match Company was going to move from Chicago to New York. This is a question, I will have Governor Steunenberg make the deal with you by agreeing to accept half my

(Deposition of James T. Barber.)

profits for half his holdings with you, in the desire to be fair. I left is his possession ten thousand dollars to secure my portion of his obligation to you. I believe it is time it should be realized, if you have become satisfied with the deal, and I have not heard anything to the contrary. The last news I heard from Idaho was that there was 11 or 12 claims tied up. I wrote to the Governor sometime ago for a statement of the condition of affairs and he was away or has neglected to answer. I am quite a lumberman myself, worked in logging camps in Maine, Pennsylvania and Michigan, and hope I may be of service to you in some way. Will you kindly answer? This must be to me care of this Hotel. Are you satisfied with your Steunenbergs timber deals in Idaho? How much have you secured and where and for how much money, and how much money did the Governor leave or put in the concern if any?

Is the Governor under any obligations to you, and if so what for? If you are out money on the 12 claims held up it ought to have come out of Kinkaid and Wells as I own half the Governor's interest. Would you not be willing to release him for half of his obligation to you if any, and accept me for half, so there would be no necessity of my obligation to him. An early reply before I return west will be thankfully received.

Yours very truly,

WM. SWEET."

Written across the end is this: "Had this been a week day it would have been typewritten."

(Deposition of James T. Barber.)

And across page two is written, "I understand there is to be no pay for this work, that it is our duty."

Q. Now, Mr. Barber, prior to the receiving of that letter, had you been informed by anyone that Mr. Sweet had or claimed to have any interest in the holdings of the Barber Lumber Company which by your contract were held by Governor Steunenberg?

A. No, sir.

Q. Did you know or had you been informed that Mr. Sweet claimed that he had expected a half interest in the stock Governor Steunenberg was to have in lieu of one-half profits he was to receive when he sold out to you?

A. No, sir.

Q. Were the releases between Steunenberg and Sweet as set forth in this letter known to you, or did Sweet claim such releases existed prior to the receipt of this letter?

A. No, sir.

Q. Did you know prior to receiving this letter what he referred to by saying, "If you were out money on the 12 claims held up it ought to come out of Kinkaid and Wells"?

A. No, sir.

Q. I show you copy of a letter found at page 113 of the Barber Lumber Company book and ask you if that is a copy of a letter you wrote to Mr. Sweet in answer to the one just read?

A. Yes, sir.

It reads:

"April 17-03.

Mr. Wm. Sweet,

Windsor Hotel,

Philadelphia, Penn.

Dear Sir: We are in receipt of your letter of the

(Deposition of James T. Barber.)

12th and would say the writer leaves today for Idaho and will submit your communication to Governor Steunenberg after which time you will hear from us again.

Yours truly,

JAMES T. BARBER."

Q. I show you copy of a letter found at page 1452 reporting to be a copy of a letter written by S. G. Moon to Wm. Sweet. A. Yes, sir.

By Mr. BUNDY.—We offer that in evidence.

"April 20-03.

Mr. Wm. Sweet,
Windsor Hotel,
Philadelphia, Penn.

Dear Sir: I have your letter of the 18th inst. Mr. Barber is now in Idaho, and it is his intention to refer your prior letter to Governor Steunenberg and either he or the Governor will probably write you from there. I will refer your former letter to Mr. Barber, when he returns."

Q. I show you a letter taken from the files of the company 1283 dated April 18-03; that is a letter referred to in Mr. Moon's letter, is it not?

A. Yes, sir.

By Mr. BUNDY.—We offer that in evidence.

"April 18-03.

Messrs. Barber & Moon,
Eau Claire, Wis.

Dear Sirs: Although I have not heard from my letter to you of last Sunday, trust it will be to your interest for me to write today. I firmly believe the

(Deposition of James T. Barber.)

timber land is worth from 2 to 3 times what it costs and I have no doubt but that you will get title all right. It may take a year to get it. What would you give me for half the Governor's interest and take half the risk of the title. This would turn the property all into your hands. Would you give me six thousand dollars and take my interest in the title. I want to make this offer because I think my money may be tied up too long and I have a chance to get into another profitable deal. I think this would be a good chance for some of your neighbors to take up this deal. If you can get anybody to entertain this deal and allow me to do my own dealing with the Governor and be one half responsible, I will do as I say in this letter and at the same time do all I can towards securing the title. I think your Mr. Conners who you sent into the timber will say I am all right. Would be pleased to hear from you,

Yours very respectfully,

WM. SWEET."

Q. I show you a copy of a letter page 117 of the Barber Lumber Company and ask you if that is the next letter you wrote to Mr. Sweet?

A. Yes, sir.

By Mr. BUNDY.—We offer it in evidence.

"Eau Claire, Wis., April 27-03.

Mr. Wm. Sweet,

Phil., Pa.

Dear Sir: Your letters of the 12th and 18th are before us and the contents carefully examined. We note in them about the arrangement you have with

(Deposition of James T. Barber.)

Governor Steunenberg and are not in any way prepared to take any part in any controversy that may arise between you. The Governor has \$37,500.00 of stock in this company issued to him when he is prepared to pay for the same with six per cent interest from the organization of the company. This right at the present time is of comparatively no value as there is still in the treasury of the company a large block of unscribed stock which is on the same basis as that to which the Governor has a right. Under these circumstances we are not in a position to offer you anything for your interests in the Governor's rights.

Yours very truly,

JAMES T. BARBER."

Q. The next and last letter appearing in the files here letter from Mr. Sweet marked 1289; is that a letter you received from him? A. Yes, sir.

By Mr. BUNDY.— We offer it in evidence.

"Oskhosh, Wis., March 14-05.

Messrs. Barber & Moon,
Eau Claire, Wis.

Dear Sirs: Could you be interested in a good timber proposition in Cuba? I have just come from Cuba after four months stop. Could you help me raise a hundred thousand dollars for timber proporation in your town? I can tell you Idaho is not in it for a good investment. Please let me hear from you at this Hotel. I was interested in the Idaho land that you bought.

Respectfully yours,

WM. SWEET."

(Deposition of James T. Barber.)

Q. Mr. Barber, have you ever heard from Mr. Sweet since that letter? A. No, sir.

Q. Have I not read into the record all the correspondence you have had with Mr. Sweet on the subject?

A. I think that letter was answered. Does not bear on the subject of Idaho lands at all.

Q. You testified the other day to the effect that there were two or three letters passed between you and Mr. Ruick in the course of several years. I don't care to go into that. Do you mean two or three or do you have any idea how many it was?

A. I have no distinct recollection; it was several, I can't say whether it was three or six.

Q. It was pending several years?

A. Yes, a long time.

Q. About a railroad to his timber project in Idaho? A. His railroad?

Q. Now, Mr. Barber, the original officers of the Barber Lumber Company; you were President, Mr. Moon, Secretary, Mr. Carson, Vice-president, and Mr. Lockwood, Treasurer? A. Yes, sir.

Q. Did Mr. Lockwood or Mr. Carson at any time have anything to do with the purchase of lands in the State of Idaho? A. No, sir.

Q. Were any of the officers of the company in charge of that work or familiar with its proceedings except you and Mr. Moon and your agent out there?

A. No, sir.

Q. Mr. Barber, do you recollect at the time Governor Steunenberg was here when you made your ar-

(Deposition of James T. Barber.)

rangements with him that you consulted Mr. Frawley with reference to the matter? A. Yes, sir.

Q. Do you recollect at that time that Mr. Frawley on his firm, investigated the question arising on Governor Steunenberg's proposition?

A. Yes, sir.

Q. I show you an opinion, purporting to be an opinion at least, signed Roy P. Wilcox; you are familiar with that signature, are you not?

A. Yes, sir.

Q. He is a brother in law of yours?

A. Yes, sir.

Q. At that time was the Junior member of the firm of Frawley, Bundy & Wilcox?

A. Yes, sir.

Q. Mr. Frawley was the Senior member of that firm? A. Yes, sir.

Q. And that opinion was prepared and delivered to you at that time or to Mr. Moon?

A. It was not delivered to me, but I think it was delivered to Mr. Moon.

By Mr. BUNDY.—We offer it in evidence. Not as good law but to show what opinion he had, which reads as follows:

The act of Congress of June 3rd, 1878 (20 Statutes at Large, p. 89, Appendix No. 6, p. 168) provides for the sale of timber lands in the states of California, Oregon, Nevada and Washington, and the act of August 4th, 1892, Sec. 2 (27 Statutes at Large, p. 348, Appendix No. 51, p. 231), extends the provisions of the former act to all of the public lands

states. An act passed May 18th, 1898 (30 Statutes at Large, p. 418), abolished the distinction between offered and unoffered lands. This act specifically includes the Timber and Stone Act of June 3rd, 1878, as extended by the act of August 4th, 1892, and provides that all lands within said acts shall be treated as unoffered lands. Attached hereto is a copy of the act of June 3rd, 1878, in so far as it relates to the acquirement of lands thereunder, being marked "Exhibit A." The questions to be determined will be treated in their order, and the conclusions drawn from decisions stated thereunder.

a. How may title to lands be obtained under the act?

1. The circular of the General Land Office of July 7th, 1897, directed to registers and receivers, on pages 45, 46, and 47, provides fully the method of obtaining lands under this act, and outlines the procedure as follows: "The quantity of lands which may lawfully be acquired under said acts, by any one person or association, is limited to not exceeding one hundred and sixty acres, which must be in one body."

19 L. D. 512, Case of Dan'l J. Heyfran.

2. The land must be chiefly valuable for timber (or stone), and unfit for cultivation if the timber were removed.

3. It must be unreserved, unappropriated and uninhabited, and without improvements (except for ditch or canal purposes), except such as were made by or belong to the applicant.

4. Lands containing valuable deposits of gold,

silver, cinnabar, copper or coal are not subject to entry under this act.

5. One entry or filing only can be allowed any person or association of persons. A married woman may purchase if the laws of the state or territory where the entry is made permit her to purchase and hold real estate as a feme sole; but in addition to other proofs, she shall make affidavit that her husband has or shall have no interest of any kind therein, etc.

6. A person applying to purchase a tract under this act is required to make affidavit before the register or receiver that he has made no prior application under this act; that he is by birth or naturalization a citizen of the United States, or has declared his intention to become a citizen; if native born, parol evidence of that fact will be sufficient; if not native born, record evidence of the prescribed qualifications must be furnished. The affidavit must designate by legal subdivisions the tract which the applicant desires to purchase, setting forth its character as above; stating that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; that it contains no mining or other improvements, except for ditch or canal purposes (if any exist), save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposits of gold, silver, cinnabar, copper or coal; that deponent does not intend to purchase the same on speculation, but in good faith, to appropriate it to his exclusive use and benefit; and that he has

not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever by which the title which he may acquire from the Government of the United States shall inure, in whole or in part, to the benefit of any person except himself.

7. Any person swearing falsely is guilty of perjury, and will be punished under the law in such cases, and in addition thereto the money which he paid for the lands is forfeited, and all conveyances of the land, or of any right, title or claim thereto, are absolutely null and void (except in the hands of bona fide purchasers, is the language of the act) as against the United States.

8. The sworn statement above (See section 2 of act), must be upon person knowledge, except as noted above.

9. The register and receiver must read such affidavit to the applicant and swear him before signature.

10. The published notice required by the third section of the act must state the time and place when and the officer before whom the applicant intends to offer proof, which must be after the expiration of the sixty days of publication. (See circular of September 5th, 1889, 9 L. D. 384.) This circular changes the former rule requiring final proofs and payment within ninety days after publication, so that the same may be made at a date to be fixed by the register, which shall be "at a reasonable time after due application, having due regard to the exigencies

of business of their respective offices.” (9 L. D. 384.) The notice referred to above is “Sec. 3. That upon the filing of said statement, as provided in the second section of this act (i. e., the affidavit mentioned, one of which goes to the General Land Office), the register of the Land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant with a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, First, that such notice of the application prepared by the register as aforesaid was duly published in a newspaper, as herein required; Secondly, that the land is of the character contemplated in this act (as above noted) * * * and upon payment to the proper officer of the purchase money of such land, together with the fees of the register and receiver as provided in the case of mining claims in the 12th section of the act approved May 10th, 1872, the applicant may be permitted to enter said tract; and on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon; provided, that any person having a valid claim to any portion of the land may object in writing to the issuance of a patent to the land so held by him, stating

the nature of his claim thereto; that evidence shall be taken and the merits of said objection shall be determined by the officers of the land office, subject to appeal as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office."

This published notice must also contain the names of the witnesses who are to testify.

Case of Sarah L. Bigelow, 20 L. D. 6.

In this case a number of witnesses were named in the notice as persons who would testify to the facts necessary to entitle the applicant to perfect her entry, and upon the hearing of such evidence two entirely different witnesses gave the evidence. It was held that this was insufficient.

11. The evidence to be furnished to the satisfaction of the register and receiver at the time of the entry, as required by section 3 of the act, must be taken before the register and receiver, and will consist of the testimony of the applicant, corroborated by the testimony of two disinterested witnesses. The testimony will be reduced to writing by the register or receiver, upon the blanks furnished for the purpose, after verbally propounding the questions set forth in the printed forms. The accuracy of affiant's information and the bona fides of the entries must be tested by close and sufficient oral examination. The register and receiver will especially direct such examination to ascertain whether the entry is made in good faith, for the appropriation of the lands to the

entryman's own use, and not for sale or speculation, whether he has conveyed the land, or his right thereto, or agreed to make any such conveyance, or whether he has directly or indirectly entered into any contract or agreement, in any manner, with any person or persons whomsoever, by which the title that may be acquired by the entry shall inure, in whole or in part, to the benefit of any person or persons except himself. They will certify to the fact of such oral examination, its sufficiency and their satisfaction therewith.

12. Attention is called to the instructions of this office of August 19th, 1884, addressed to the register and receiver at Humboldt, California (3 L. D. 84), in respect to the correctness of applications and entries, the examination of parties and witnesses, and the duty of local officers in accepting and rejecting and reporting such applications and entries; and all registers and receivers will strictly follow and be governed by said instructions.

13. The entire proof must be taken at one and the same time, and payment must be made at the time of offering proof. Proof will in no case be accepted in the absence of a tender of the money; and the register's certificate will in no case be given to the party or his attorney, but must be handed directly to the receiver by the register; and no note will be made upon the plats or tract books until the receiver's receipt has been issued. The proofs, certificate and receipt must, in all cases, bear even date.

14. Where an adverse claim, or any protest

against accepting proof or allowing an entry, is filed before final certificate has been issued, the register and receiver will at once order a hearing, and will allow no entry until after their written determination, upon such hearing has been rendered. They will report their final action in all protest and contest cases, and transmit the papers to this office.

15. After certificate has been issued, contest, application and protests will be submitted to this office, as in other cases of contest after final entry.

16. Contests may be brought against timber and stone land applications, or entries in accordance with rule 1 of Rules of Practice, either by an adverse claimant or by any other person, and for any sufficient cause affecting the legality or validity of the filing, entry or claim.

17. In case of an association of persons making application for an entry under this act, each of the persons must prove the requisite qualifications, and their names must appear in the sworn statement, as in the case of an individual person. They must also unite in the regular application for entry, which will be made in their joint names, as in other cases of joint cash entry. The forms prescribed for cases of application by individual persons may be adapted for use in applications for this class, and the sworn statement as to the character of the lands may be made by one member of the association upon his personal knowledge.

18. No person who has made an individual entry or application can thereafter make one as a member

of an association; nor can any member of an association making an entry or application be allowed thereafter to make an individual entry or application.

19. Applicants to make timber land entries, and claimants and witnesses making final proof, must in all cases, state their places of actual residence, their business or occupation, and their postoffice address. It is not sufficient to name the county and state or territory where a party lives, but the town or city must be named; and if the residence is in a city, the street and number must be given. For forms of sworn statement, testimony of witnesses, etc., see page 290-291, circular General Land Office, July 11th, 1899.

In payment for lands, military land warrants and scrip may be used in lieu of cash (p. 8 circular above).

For fees of officers, see act hereto attached, and fees for reducing testimony to writing see Section 2238 R. S., paragraphs 10, 11 and 12, and act of June 3rd, 1876, Section 3.

It has been held under this act that timber land that is fit for cultivation by ordinary agricultural process when the timber is removed, is not subject to entry, under Section 1 of the act.

11 L. D. 484.

The burden of proof as to the character of the land is on the claimant.

4 L. D. 164-238.

But the land that is unfit for cultivation until the trees and stone are removed, is subject to entry

under this act, especially where the chief value of the land is for the timber.

15 L. D. 564.

U. S. vs. Budd, 12 Sup. Ct. Rep. 575.

b. To what state of completion must the claimant have perfected title before he can convey lands, giving good title thereto?

It has been held that until an application has been finally allowed, the applicant has no right to or control over the land.

9 L. D. 335.

But that the right to receive title is complete on proof and payment made in good faith, see,

5 L. D. 38.

Stark vs. Starr, 6 Wall. 402.

Wirth vs. Bronson, 92 U. S. 118.

In the case in 5 L. D., above, the applicant made an entry, completed proof and tendered purchase money; there was a contest, and prior to the decision in his favor he died, and it was held that his heirs might complete the purchase and take a patent.

Until the issuance of a patent, the Department may cancel an entry on sufficient proof that the same is on land that is not subject to such appropriation, or that the entry is in fraud of the law.

11 L. D. 484, citing 5 L. D. 442, 6 L. D. 255.

9 L. D. 573; 10 L. D. 415.

Witherspoon vs. Duncan, 4 Wall. 210.

Lee vs. Johnson, 116 U. S. 48.

Alienation prior to the issuance of a patent will not abridge the authority of the Department over

an entry made under the Timber and Stone Act.

9 L. D. 573.

And the purchaser of land held under final certificate, after entry and before patent, taken an equity only, and is charged with notice of all defects in the title.

10 L. D. 415; 3 L. D. 33; 5 L. D. 55-442; 7 L. D. 327; 8 L. D. 46; 9 L. D. 316-573.

He has no greater or different right than the entryman.

11 L. D. 123.

The phrase "bona fide purchaser," as used in the Timber and Stone Act, is not applicable to the purchaser before patent.

14 L. D. 618.

The reason given for this rule is that the transferee does not purchase the legal title, but simply an equity, and that the rule of innocent purchaser only applies where the title is actually acquired. The transferee under a timber land entry is not an innocent purchaser, where the entry is fraudulent and the transferee is a party to the fraud.

12 L. D. 313.

It is held further that a purchaser, prior to patent, of land entered under this act, takes but an equity, and cannot plead the status of innocent purchaser, now can it avail such purchaser that the matters whereof the entryman testified falsely were solely within the knowledge of such entryman.

14 L. D. 392.

The right of alienation exists where there has been

a due compliance with the law and the final certificate has issued.

1 L. D. 494; 3 L. D. 23;

4 L. D. 136-350-544; 5 L. D. 170-315-609-702;

6 L. D., 123-517; 7 L. D. 368.

But the purchaser before patent is not entitled to be heard in contest proceedings against the entry.

1 L. D. 106.

From these decisions, we deduce the rule that after entry, final proof and receipt issued, the applicant may sell and transfer his interest in the land, subject, however, to the right of the Department, at any time before the issuance of the patent, to cancel the entry, by reason of the fact that the land was not subject to entry under the act, or that there was fraud in the making of the entry, the purchaser at such time taking the equitable interest and the applicant being the holder of the legal title, when one is issued, as trustee for such equitable owner. In other words, the transferee takes all the interest of the applicant excepting the right to make a legal title subject to existing equities.

Pursuing the question further, the general rule is that the title of the United States passes with the issuance of the patent, and with the title passes all authority and control of the Land Department over the land, and over the title which the patent conveys.

2 L. D. 114; 1 L. D. 592-657; 4 L. D. 173-253-344-396;

5 L. D. 483; 6 L. D. 314; 8 L. D. 70-471;

9 L. D. 83-597; 10 L. D. 694.

And thereafter the title can be invalidated only by judicial proceedings.

9 L. D. 83.

And it is held by the United States Supreme Court that in proceedings required for the alienation of public lands, in the absence of fraud or imposition, the action of the Land Department upon matters of fact cognizable by it, is conclusive.

Lee vs. Johnson, 116 U. S. 48.

If the Department, however, issues a patent under a mistake of the law, to one not entitled to it, a court of equity will correct the error by requiring a transfer of the legal title to the true owner.

Lee vs. Johnson, *supra*.

It is also held that whether the patent issued is void or not, it *prima facie* passes the title, and precludes the exercise of further Departmental jurisdiction over the land, until the patent is vacated by judicial proceedings.

9 L. D. 114.

From these decisions, we deduce the rule that even after the issuance of the patent, the patentee's title may be attached in judicial proceedings, by showing fraud or imposition on the Land Department, or mistake of law on the part of the Department in issuing the patent.

c. What security may be legally given upon lands by applicant before he has perfected title thereto?

It is held under the pre-emption laws that a pre-emptor may mortgage his claim to secure money for

the purpose of making final proof and payment.

1 L. D. 409.

6 L. D. 340.

9 L. D. 337.

13 L. D. 198.

And under the homestead laws, it is held that a homesteader may, before issuance of final certificate, for any purpose not inconsistent with good faith, mortgage his claim.

8 L. D. 243.

It is also held that a mortgagee whose interest appears should be given notice of all action taken, and in the absence of such notice, his right to be heard is not defeated.

15 L. D. 224.

But if he does not file in the local office a notice of his interest, he cannot call in question the validity of the proceedings against the entry.

12 L. D. 462.

13 L. D. 556.

These decisions assume the right of the applicant to mortgage his interest at any time, for any purpose consistent with good faith, and his intention to acquire the lands for his sole use and benefit.

An applicant in good faith, who is unable to procure the purchase money at the time fixed for the completion of the entry, may be permitted, on new notice given, in the absence of adverse claims, to complete the purchase.

12 L. D. 561.

d. What agreements are held fraudulent?

Generally, any agreement which is contrary to the letter or spirit of the law itself, and is attempted to be carried out by fraud or evasion, will vitiate the title.

It is difficult to lay down any general rule, fraud being a question of fact, so we collate a few of the decisions in reference to what is and what is not fraud.

A sale after entry does not show bad faith sufficient to justify a cancellation.

Case of Isabella M. Dweyer, 6 L. D. 33.

In this case the applicant made an affidavit that she had made no agreement to sell the land prior to making final proof, and this was held sufficient to overcome any presumption which might arise by reason of the fact that she did sell it immediately thereafter.

It is held that entries made for the benefit of others are an evasion of the law, and fraudulent.

3 L. D. 84.

14 L. D. 392.

The Secretary of the Interior in the latter case distinguishes *United States vs. Budd*, 144 U. S. 1254, 12 Sup. Ct. Rep. 575, and announces the rule and an innocent purchaser must have legal title, and the fact that he had a mere equity in good faith will not make him an innocent purchaser, within the meaning of the law.

An agreement to convey any part of a pre-emptive claim, made prior to final proof, will defeat

the exercise of the pre-emptive right.

16 L. D. 113.

And a contract to convey on receipt of final certificate renders the entry fraudulent, and requires its cancellation.

8 L. D. 269.

15 L. D. 201.

Contract to convey homestead after patent does not defeat the right of entry.

3 L. D. 284.

But a contract to convey after final proof raises a presumption of bad faith.

6 L. D. 95.

And the Government of the United States will not knowingly further a fraudulent design.

4 L. D. 158-308.

But alienation prior to issuance of final certificate will not defeat the right to a patent when the proof shows a due compliance with the law.

6 L. D. 218.

7 L. D. 292-445.

8 L. D. 268.

1 L. D. 101.

Meyers vs. Croft, 13 Wall. 291.

And the presumption of fraud is not justified by the fact of sale made shortly after entry.

4 L. D. 135.

The general rule is laid down, that while it is competent for the Land Department to take cognizance of fraud whenever it appears to effect the title to public lands, it is not its province to inquire into it

when it merely affects the private rights of the parties.

2 L. D. 616-621.

e. After final receipt may the claimant sell, and will the patent, when issued, inure to the benefit of the purchaser?

See authorities collated under sub-division B supra, from which it seems clear that the applicant may sell after final certificate, and that when the patent issue to him he will be directed to transfer the naked legal title, which he is said to hold as trustee, to the purchaser as the beneficial owner. It is probably true that there is some provision existing in the regulations of the Department by which the purchaser may file or record his transfer and the relinquishment of the applicant, and so have the patent issued directly to him, but we have not been able to find such provision in the books at hand.

f. How, and for what cause, will title be assailed and defeated after issuance of final certificate?

Under the authorities above stated, the Land Department retains absolute control over the land until the divesting of the Government's title by the issuance of patent, and at any time prior to such issuance may cancel the entry for fraud, imposition, or the appearance of the fact that the land was not subject to entry under the act.

g. How, and for what cause, will title be impeached after patent issued?

Under the authorities cited under sub-division B, the Department cannot impeach title after patent once issued.

The only remedy then is a suit in equity, where the usual grounds of equitable interference may be invoked, such as fraud, imposition, mistake of the law, etc.

See *Lee vs. Johnson*, *supra*.

By way of recapitulation, we state,

1. Title to lands under the Timber and Stone Act may be obtained in the manner detailed above.

2. Prior to the issuance of the patent, any title conveyed by the entryman is simply the title he has, subject to all existing equities, and subject to cancellation by the Land Department if for any cause shown, the entry was improper.

3. The entryman may give security on his interest for any purpose not inconsistent with good faith.

4. All agreements looking to an evasion of the law, or an imposition on the Department are fraudulent, and will result in the cancellation of the entry.

5. The entryman may sell after final receipt, and when patent is issued, he takes the title as trustee for his vendee.

6. After the issuance of the patent, the only means of attacking the patentee's title is a suit in equity, wherein the complainant must show himself entitled to relief within equitable rules.

Respectfully submitted,

ROY P. WILCOX.

EXHIBIT "A."

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that surveyed public lands of the

United States within the states of California, Oregon, Nevada and in Washington Territory, not included within military, Indian or other reservations of the United States, valuable chiefly for timber but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of \$2.50 per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands; provided that nothing herein contained shall defeat or impair any bona fide claim under any law of the United States, or authorize the sale of any mining, claim, or the improvements of any bona fide settler, or lands containing gold, silver, cinnabar, copper or coal, or lands selected by the said states under any law of the United States dedicating lands for internal improvements, education or other purposes; and provided further that none of the rights conferred by the act approved July 26th, 1866, entitled "An act granting the right of way to ditch and canal owners over the public lands and for other purposes" shall be abrogated by this act; all patents granted shall be subject to any vested and accrued water rights as may have been acquired under and by the provisions of said act; and such rights shall be especially reserved in any patent issued under this act;

Sec. 2. That any persons desiring to avail himself of the provisions of this act shall file with the regis-

ter of the proper district a written statement, in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, except and save such as were made by or belong to the applicant, nor, as deponent verily *delives*, any valuable deposit of gold, silver, cinnabar, copper or coal; that deponent has made no other application under this act; that he does not intend to purchase the same on speculation, but in good faith, to appropriate it to his own exclusive use and benefit; that he has not, directly, or indirectly, made any agreement or contract in any way or manner, with any person or person whatsoever by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement shall be verified by the oath of the applicant before the register or receiver of the land office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for such lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void.

Sec. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office for the period of sixty days, and shall furnish the applicant with a copy of the same for publication, at the expense of the applicant, in a newspaper published nearest the location of the premises for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid, was duly published in a newspaper, as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no deposits of gold, silver, cinnabar, copper or coal; and upon payment to the proper office of the purchase money for such lands, together with the fees of the register and receiver, as provided for in the case of mining claims, in section 12 of the act approved May 10th, 1872, the applicant may be permitted to enter said tract, and on transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon; provided, that any person having a valid claim in any portion of the land, may object in writing to the issuance of a patent to the lands so held by him, stating the nature of his claim thereto; and

evidence shall be taken, and the merits of said objection determined, by the officers of the land office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Q. There is one other thing Mr. Barber, there is a telegram shown you from Mr. Hosely, dated September 11-03, asking you to meet him on that night at the Eau Claire House, which telegram seems to have been telephoned to your house as appears by notation of Mr. Cotten thereon. Have you any better recollection of how long Mr. Hosely remained at Eau Claire than when you testified?

A. After thinking the matter over it comes back to me that I met Mr. Hosely at the Eau Claire House and spent the evening with him. He returned to Neillsville on the late train, possibly 11 o'clock.

Q. Then you think your evidence to the effect that he was here the next day was an error?

A. I think that was an error as I stamped the telegram as received the next day when I took it to the office. The telegram would bear out that.

By Mr. BUNDY.—I show you a letter taken from the files of the company marked 290; is that a letter you received from Gov. Steunenberg?

A. Yes.

Q. Received Dec. 14-03?

A. Yes, sir.

Q. I offer that in evidence.

(Deposition of James T. Barber.)

“Boise, Dec. 4,-03.

S. G. Moon,

Secretary,

Eau Claire, Wis.

Dear Sir: Herewith letter from assessor Kootenai County that disposes of tax matters. Matters here about as usual. Final proofs are now being made on 6-4 entries and I will probably wire you for funds to meet purchases soon. We have taken possession of Caston ranch and Hosely has some more waiting there. He is also getting the timber.”

Q. That is all I want to ask Mr. Barber.

By Mr. GORDON.—That is all, Mr. Barber. I thank you.

**[Deposition of S. G. Moon, for the Defendants
(Recalled).]**

By Mr. BUNDY.—Mr. Moon, what is referred to by the Kootenai land in the letter last read?

By Mr. MOON.—The scrip which we owned and got there from Mr. Phipps, I think that is a lot was located in Kootenai County. That is the land in which the scrip was issued, the lands covered by the scrip, the lands which the Northern Pacific owned and deeded to the Government were located in Kootenai County, and until we placed the scrip we had to pay taxes on this land to Kootenai County. It is in northern Idaho.

Q. Did you hear Mr. Barber testify with reference to the correspondence in this case found in

(Deposition of S. G. Moon.)

the files of the Barber Lumber Company which are here at present? A. Yes, sir.

Q. When was the entire correspondence as it is here first turned over to me?

A. Why, I don't remember the exact date; but it was about two weeks ago.

Q. At that time I requested you to send everything of every kind and character.

A. Yes, sir.

Q. Did you send everything of every kind and character including all the correspondence, papers, books, accounts and everything in your office or under your control or of which you have any knowledge? A. Yes, sir.

Q. With reference to the business of the Barber Company in Idaho? A. Yes, sir.

Q. Mr. Moon also stated that these letters were turned over to his attorney at the beginning of this litigation, you are the secretary of the company, are you not? A. Yes, sir.

Q. Please state in what manner these letters have been turned over to me and for what purpose. What letters do you know?

A. The letters nor any of the letters were ever out of the office, except temporarily. When you came up there and found something you wanted to copy or take away the letters of some particular person to read over in your office and after you had finished with them you brought them back and they were replaced in the files.

Q. Do you remember that after the Borah trial I

(Deposition of S. G. Moon.)

brought letters down here from certain correspondence at the time and had copies made?

A. Yes, sir.

Q. And returned them and got the next ones?

A. Yes, sir.

Q. And the files and papers you have produced here include everything of every kind and character pertaining to this business under your control of which you have any knowledge?

A. Yes, sir, I made a careful search of everything that I had relating to the business of the Barber Lumber Company and it is all brought down. It is all here. I may say that the search was necessary because for a considerable time at first there was no regular place to keep letters. I kept my correspondence with reference to the Barber Lumber Company's business, that is correspondence to the Barber Lumber Company, which came to me in two drawers in tables in my office and in a drawer in the vault. Mr. Barber had two or three places of keeping things so that when you came to want anything it was necessary for me to search pretty well all over.

Q. And you did search all over and everything was turned over?

A. Yes, sir; I am satisfied there is nothing more in the office in the way of correspondence relating to the Barber Company's business, unless it is very recent.

By Mr. BUNDY.—I will say that the letters were taken by me for the Borah trial and after copies

were made and that everything has been absolute kept intact in our vault, and when finished have been returned and that there is not been a scratch taken from these files by me that has not been returned to them.

By Mr. BUNDY.—That is all, Mr. Moon.

By Mr. GORDON.—I think that is all, Mr. Moon.

By Mr. BUNDY.—The defendant announces that the evidence on the part of the Barber Lumber Company is closed and defendant rests.

This notice is made for the purpose of starting of time allowed by Court for complainant to take its rebuttal evidence running, subject, of course, to the right to introduce any sur-rebuttal evidence taken upon the part of the complainants.

United State of America,
State of Wisconsin,
Eau Claire County,—ss.

I, A. H. Shoemaker, a notary public, in and for the county of Eau Claire, in the State of Wisconsin, do hereby certify that the above and foregoing depositions of James T. Barber, Sumner G. Moon, P. J. Cosgrove and F. H. L. Cotten, were taken before me at rooms 2-4, in the Union Savings Bank Building, in the City of Eau Claire, in Eau Claire County, Wisconsin, beginning on the 10th day of May, 1909, at nine o'clock in the forenoon; that the said depositions were taken at the instance of the said defendants, upon verbal interrogatories; that said depositions were taken down in shorthand and reduced to typewriting by me; that said depositions were taken to be used in the action of United States

of America, Complainant, against Barber Lumber Company and others, Defendants, now pending in the United States Circuit Court for the District of Idaho; that said depositions were taken pursuant to the stipulation of the said parties by their respective attorneys as stated in and at the commencement of said depositions, and hereunto annexed; that the exhibits hereunto attached and referred to in said depositions were offered and received in connection therewith as in said depositions stated; that each of said deponents before examination was sworn to testify the truth, the whole truth and nothing but the truth relative to such cause, and that the signing of said depositions by the parties giving the same was duly waived by the stipulation of the parties hereto by their respective attorneys.

[Seal]

_____,
Notary Public in and for Eau Claire County, Wisconsin.

It is stipulated that the signature to the above certificate of A. H. Shoemaker, notary before whom the foregoing depositions of Jas. T. Barber, S. G. Moon, P. J. Cosgrove, and F. H. L. Cotten be and hereby is waived and that the notarial seal shall be deemed a sufficient authentication.

Dated 6/21/09.

PEYTON GORDON,
Solicitor for Comp.

C. T. BUNDY,
Solicitor for Deft. B. Lbr. Co.

[Endorsed]: Filed June 19, 1909. A. L. Richardson, Clerk.

In the Circuit Court of the United States for the District of Idaho, Central Division.

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,

Complainant,

vs.

THE BARBER LUMBER CO. (a Corporation),
et al.,

Defendants.

Stipulation [Re Memoranda and Abstract of Exhibits].

IT IS STIPULATED, by and between the parties to this cause, that the memoranda and abstract of the exhibits in said cause hereto attached, consisting of pages, numbered consecutively, from 1 to 495, inclusive, shall stand as and for a praecipe and direction to the Clerk of said Court, as to the exhibits and the parts and portions of the exhibits in said cause, to form and to be made a part of the transcript of the record of exhibits in said cause, to be transmitted to the Circuit Court of Appeals for the Ninth Circuit.

IT IS FURTHER STIPULATED, that when a transcript of the record of exhibits is made by copying therein, in full, the exhibits so designated in said memoranda and abstract, and by incorporating in said transcript a copy of the balance of said memoranda and abstract hereto attached (in so far as the said Clerk, by a comparison of the same with the original exhibits, shall find it accurate), the same

shall stand as and for the complete transcript of the said exhibits in said cause.

PEYTON GORDON,

A. B. JACKSON,

Special Assistants to the Attorney General, Solicitors for Complainant.

C. T. BUNDY,

Solicitor for Defendant.

Filed June 25, 1910. A. L. Richardson, Clerk.

Copy of Form of Sworn Statement upon Which All Sworn Statements Hereinafter Referred to Were Made.

4—537.

This affidavit can be made only upon the personal knowledge of applicant derived from his own personal examination of the land.

TIMBER & STONE LANDS.—SWORN STATEMENT.

(TO BE MADE IN DUPLICATE).

Land Office at

(Date)190....

I,, of (town or city)
county of, State (or Territory) of
..... desiring to avail myself of the provisions of the act of Congress of June 3, 1878, entitled "An Act for the sale of timber lands in the State of California, Oregon, Nevada, and in Washington Territory," as extended to all the Public Land States by act of August 4, 1892, for the purchase of the.....
.....

of Section, Township, of Range, in the district of lands subject to sale atdo solemnly that I am a native (or naturalized) citizen (or have declared my intention to become a citizen) of the United States, of the age of, and by occupation.; that I have personally examined said land, and from my personal knowledge state that said land is unfit for cultivation, and valuable chiefly for its.; that it is uninhabited; that it contains no mining or other improvements nor, as I verily believe, any valuable deposit of gold, silver, cinnabar, copper, or coal; that I have made no other application under said acts; that I do not apply to purchase the land above described on speculation, but in good faith to appropriate it to my own exclusive use and benefit, and that I have not, directly or indirectly, made any agreement or contract, or in any way or manner, with any person or persons whomsoever, by which the title I may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except myself, and that my post-office address is
.
.

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by), and that I verily believe him to be the person he represents himself to

be; and that this affidavit was subscribed and sworn to before me this day of, 190....

.....,

Register (or Receiver).

NOTE.—Every person swearing falsely to the foregoing affidavit is guilty of perjury, and will be punished as provided by law for such offense. In addition thereto, the money that may be paid for the land is forfeited and all conveyances of the land or any right, title, or claim thereto, are absolutely null and void as against the United States.

In case the party has been naturalized or has declared his intention to become a citizen, a certified copy of his certificate of naturalization or declaration of intention, as the case may be, must be furnished.

If the residence is in a city, the street and number must be given.

(Copy of Back of Timber &
Stone Lands S. S.)

4—537.

TIMBER LANDS.

(Acts of June 3, 1878, and Aug-
ust 4, 1892.)

SWORN STATEMENT.

LAND OFFICE AT

.....

Sec., Township,

Range

**Copy of Form of Non-mineral Affidavit upon Which
All Non-mineral Affidavits Hereinafter Re-
ferred to Were Made.**

4—062.

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.

The Non-Mineral Affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

**DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

.....
.....190....

....., being duly sworn according to law, deposes and says that he is the identical..... who is an applicant for Government title to the; that he is well acquainted with the character of said described land; and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that the land

contains no salt spring, or deposits of salt in any form sufficient to render it chiefly valuable therefor; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to the mineral land, but with the object of securing said land for agricultural purposes, and that his postoffice address is

.....

I hereby certify that the foregoing affidavit was read to affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me by), and that I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to before me at my office in, within the land district, on this day of, 190....

.....,

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

REVISED STATUTES OF THE UNITED STATES, TITLE LXX.—CRIMES.—CHAP.

4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

Copy of Form of Notice for Publication upon Which All Notices for Publication Hereinafter Referred to Were Made.

(4—357.)

TIMBER LAND, ACT JUNE 3, 1878.—NOTICE FOR PUBLICATION.

UNITED STATES LAND OFFICE,

.....
190....

Notice is hereby given that in compliance with the provisions of the act of Congress of June 3, 1878, entitled "An Act for the sale of timber lands in the States of California, Oregon, Nevada and Washington Territory," as extended to all the Public Land

States by act of August 4, 1892,, of
..... county of, State (or Terri-
tory) of, has this day filed in this office
his sworn statement No. for the purchase of
the, of Section No. in Township
No., Range No., and will offer proof to
show that the land sought is more valuable for its
timber or stone than for agricultural purposes, and
to establish his claim to said land before the Register
and Receiver of this office at on,
the day of, 190....

He names as witnesses:

..... of
..... of
..... of
..... of

Any and all persons claiming adversely the above
described lands are requested to file their claims
in this office or before said day of,
190....

.....,

Register.

This notice must be published once a week for ten
consecutive weeks in a newspaper published nearest
the land, and must also be posted in a conspicuous
place in the land office for the same period.

CERTIFICATE AS TO POSTING OF NOTICE.

UNITED STATES LAND OFFICE,

.....

.....190....

1,, Register of the Land Office, certify
that the above notice was by me posted in a conspicu-

ous place in my office during the period of sixty (60) days and over, I having first posted the same on the day of, 190.....

I further certify that there are no adverse claims to the land herein described known to this office.

.....,

Register.

State of Idaho,

County of,—ss.

....., being duly sworn, deposes and says that he is publisher of the, a newspaper published at, County, State of Idaho; that the said paper is in general circulation in the county aforesaid; that the advertisement, a copy of which is attached hereto, was published in the regular edition of the beginning with the issue of A. D. 190....., and ending with the issue of, A. D. 190.....

.....,

Subscribed and sworn to before me, in and for the County of, State of Idaho, this day of, A. D. 190.....

Notice of Publication,

Extract from Newspaper.

United States Land Office,

Boise, Idaho

I,, Register, do hereby certify that a notice, a printed copy of which is hereto attached, was by me posted in a conspicuous place in my office for a period of days, I having first posted said notice on the day of, 190.....

.....,

Register.

**Copy of Questions Asked All Claimants and Entry-
men Hereinafter Referred to at Final Proof.**

4—370.

(The testimony of claimant and witnesses must be taken AT THE SAME TIME, and before the REGISTER or RECEIVER of the land district in which the land is situated.)

TIMBER AND STONE LANDS.

TESTIMONY OF CLAIMANT.

....., being called as a witness in support of his application to purchase the
.....
of Section, Township, of Range
testifies as follows:

QUESTION 1.—What is your age, post-office address, and where do you reside?

ANSWER.

QUES. 2.—Are you a *native born* citizen of the United States, and if so, in what State or Territory were you born?

ANS.

QUES. 3.—Are you the identical person who applied to purchase this land on the day of, 1...., and made the sworn statement assigned by law before the Register (or Receiver) on that day?

ANS.

QUES. 4.—Are you acquainted with the land above described by personal inspection of each of its smallest legal subdivisions?

ANS.

QUES. 5.—When and in what manner was such inspection made?

ANS.

QUES. 6.—Is the land occupied; or are there any improvements on it not made for ditch or canal purposes, or which were not made by or do not belong to you?

ANS.

QUES. 7.—Is the land fit for cultivation, or would it be fit for cultivation if the timber were removed?

ANS.

QUES. 8.—What is the situation of this land, and what is the nature of the soil, and what causes render the land unfit for cultivation?

QUES. 9.—Are there any salines, or indications of deposits of gold, silver, cinnabar, copper or coal on this land? If so, state what they are, and whether the springs or mineral deposits are valuable?

ANS.

QUES. 10.—Is the land more valuable for mineral or any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone?

ANS.

QUES. 11.—From what facts do you conclude that

the land is chiefly valuable for timber or stone?

ANS.

.....
QUES. 12.—What is the estimated market value of the timber standing upon this land?

ANS.

.....
In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or naturalization, or copy thereof, certified by the officer taking this proof, must be filed with the case.

QUES. 13.—Have you sold or transferred your claim to this land since making your sworn statement, or have you directly or indirectly made any agreement or contract, in any way or manner, with any person whomsoever, by which the title which you may acquire from the Government of the United States may inure, in whole or in part, to the benefit of any person except yourself?

ANS.

QUES. 14.—Do you make this entry in good faith for the appropriation of the land exclusively to your own use and not for the use or benefit for any other person?

ANS.

QUES. 15.—Has any other person than yourself, or has any firm, corporation, or association any interest in the entry you are now making or in the land, or in the timber thereon?

ANS.

.....

I HEREBY CERTIFY that the above named
 personally appeared before me; that I
 verily believe affiant to be the person he represents
 himself to be; and that each question and answer in
 the foregoing testimony was read to him in my pres-
 ence before he signed his name thereto, and that the
 same was subscribed and sworn to before me at
, this day of, 190.....

.....,

Register (or Receiver)

NOTE.—Every person swearing falsely to the
 above deposition is guilty of perjury and will be
 punished as provided by law for such offense. In
 addition thereto, the money that may be paid for the
 lands is forfeited, and all conveyances of the land or
 of any right, title, or claim thereto are absolutely
 null and void as against the United States.

I HEREBY CERTIFY that I have tested the ac-
 curacy of affiant's information and the bona fides of
 this entry by a close and sufficient oral cross-exam-
 ination of the claimant and his witnesses, directed to
 ascertain whether the entry is made in good faith
 for the appropriation of the land to the entryman's
 own use and not for sale or speculation, and whether
 he has conveyed the land or his right thereto, or,
 agreed to make any such conveyance, or whether he
 has directly or indirectly entered into any contract
 or agreement in any manner with any person or per-
 sons whomsoever by which the title that may be ac-
 quired by the entry shall inure in whole or in part to
 the benefit of any person or persons except himself,
 and am satisfied from such examination that the

entry is made in good faith for entryman's own exclusive use and not for sale or speculation, nor in the interest nor for the benefit of any other person or persons, firm, or corporation.

.....
Register (or Receiver).
(Copy of Back)

4—370.

TIMBER LANDS.

Acts of June 3, 1878, and August 4, 1892.

TESTIMONY OF CLAIMANT.

LAND OFFICE AT

.....
Section.....
Township
Range

**Copy of Questions Asked Claimants and Entrymen
Hereinafter Referred to on Cross-examination
on Final Proof.**

TIMBER AND STONE LANDS.

CROSS-EXAMINATION OF CLAIMANT IN CONNECTION WITH DIRECT EXAMINA- TION ON FORM 4—370.

(Before taking the testimony the Register and Receiver will read, or cause to be read, to the witness, Section 2392 of the Revised Statutes, in regard to perjury—see bottom of page on Form 4-371—and see that witness understands same.)

Question 1. Are you an actual bona fide citizen of this State?

Question 2. Are you married or single?

Question 3. Where did you reside prior to becoming a resident of this State, and what was your occupation?

Question 4. How long have you been an actual resident of this State, and where have you lived during all of this time?

Question 5. What has been your occupation during the past year, and where and by whom have you been employed, and at what compensation?

Question 6. How did you first learn about this particular tract of land, and that it would be a good investment to buy it?

Question 7. Did you pay or agree to pay anything for this information? If so, to whom, and the amount?

Question 8. Have you made a personal examination of each smallest subdivision of said land? If so, state when and under what circumstances and with whom?

Question 9. How did you identify said land? Describe it fully.

(Cross-examination of Claimant —2—).

Question 10. How many thousand feet, board measure, of lumber did you estimate that there is on this entire tract, and what is the stumpage value of

same?

.....
 Question 11. Are you a practical lumberman or woodsman? If not, how did you arrive at your estimate of the quantity and value of the lumber on the land?

.....
 Question 12. What do you expect to do with this land and the lumber on it when you get title to it?

.....
 Question 13. Do you know of any capitalist or company which is offering to purchase timber land in the vicinity of this entry? If so, who are they, and how did you know of them?.....

.....
 Question 14. Has any person offered to purchase this land after you acquire title? If so, who, and for what amount?

.....
 Question 15. Where is the nearest and best market for the timber on this land at the present time?.....

.....
 Question 16. Did you pay, out of your own individual funds, all the expenses in connection with making this filing, and do you expect to pay for the land with your own money?

.....
 Question 17. Where did you get the money with which to pay for this land, and how long have you

had the same in your actual possession?.....

.....

.....

Question 18. Have you kept a bank account during the past six months, and if so, where?

.....

In addition to the foregoing the officer before whom the proof is made will ask such questions as seem necessary to bring out all the facts in the case.

**Copy of Questions Asked Witnesses Hereinafter
Referred, at Final Proof.**

4—371.

(The testimony of two witnesses, in this form, taken separately, required in each case.)

**TESTIMONY OF WITNESS UNDER ACTS OF
JUNE 3, 1878, AND AUGUST 4, 1892.**

....., being called as a witness in support of the application of.....

to purchase the.....

.....

.....

of Section, Township

of Range, testifies as follows:

QUESTION 1.—What is your age, post-office address, and where do you reside?

ANSWER.

QUES. 2.—Are you acquainted with the land above described by personal inspection of each of its smallest legal subdivisions?

ANS.

QUES. 3.—When and in what manner was such

inspection made?

ANS.

QUES. 4.—Is it occupied, or are there any improvements on it not made for ditch or canal purposes or which were not made by, or do not, belong to, the said applicant?

ANS.

QUES. 5.—Is it fit for cultivation?

ANS.

QUES. 6.—What causes render it unfit for cultivation?

ANS.

.....

QUES. 1.—Are there any salines, or indications of deposits of gold, silver, cinnabar, copper, or coal on this land? If so, state what they are, and whether the springs or mineral deposits are valuable?

ANS.

QUES. 8.—Is the land more valuable for mineral or any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone?

ANS.

QUES. 9.—From what facts do you conclude that the land is chiefly valuable for timber or stone?

ANS.

.....

.....

QUES. 10.—Do you know whether the applicant has directly or indirectly made any agreement or contract, in any way or manner, with any person

whomsoever, by which the title which he may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except himself?

ANS.

QUES. 11.—Are you in any way interested in this application, or in the lands above described, or the timber or stone, salines, mines, or improvements of any description whatever thereon?

ANS.

.....

I hereby certify that each question and answer in the foregoing testimony was read to the witness before he signed name thereto, and that the same was subscribed and sworn to before me this day of, 190...

.....,

.....

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—CHAPTER 4.

SEC. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose or certify truly, or that any written testimony, declaration, deposition or certificate by him subscribed is true, willfully, and

contrary to such oath, states and subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

(Copy of Back.)

4—371.

TIMBER LANDS.

Acts of June 3, 1878, and August 4, 1892.

TESTIMONY OF WITNESS.

LAND OFFICE AT

.....
Section
Township
Range

**Copy of Questions Asked Witnesses Hereinafter
Referred to on Cross-examination at Final
Proof.**

TIMBER AND STONE LANDS.

**CROSS-EXAMINATION OF WITNESS IN CON-
NECTION WITH DIRECT EXAMINATION
ON FORM 4—371.**

(Before taking the testimony the Register and Receiver will read, or cause to be read, to the witness, Section 2392 of the Revised Statutes, in regard to perjury—see bottom of page on Form 4—371

—and see that witness understands same.)

Question 1. Where is your actual place of residence, and how long have you been a resident of this State?

Question 2. Have you ever made a timber and stone filing or entry in this land office, and if so, when and for what land?.....

Question 3. Explain the circumstances under which you made a personal examination of this land. Describe the tract fully.

Question 4. What has been your occupation during the past six months?

Question 5. By whom have you been employed during the last six months?

Question 6. How long have you known the applicant?

Question 7. What is his financial condition so far as you know?

Question 8. Do you know, of your own knowledge, that the applicant has sufficient money of his own to pay for this land and hold it for six months without mortgaging it?

In addition to the foregoing the officer before whom the proof is made will ask such questions as seem necessary to bring out all the facts in the case.

**Copy of Form of Receiver's Receipt Hereinafter
Referred to.**

4—131.

RECEIVER'S OFFICE AT

NO.

....., 190..

RECEIVED from
of, County,, the sum of
..... dollars and cents; being in full
for the
..... quarter of Section No., in Township
No., of Range No., containing
acres and hundredths, at \$. per acre.
....., Receiver.

\$

\$ testimony fee received. Number of writ-
ten words, Rate per 100 words, cents.

**Copy of Form of Final Certificate Hereinafter
Referred to.**

4—189.

NO.

LAND OFFICE AT
....., 189..

IT IS HEREBY CERTIFIED that, in pursuance
of law,, residing at, in
..... County, State of, on this day pur-
chased of the Register of this Office the
.....
....., of Section No., in Township

No. of Range No. of the Principal Meridian, containing acres, at the rate of ~~dollars~~ and cents per acre, amounting to dollars and cents, for which the said has made payment in full as required by law.

NOW, THEREFORE, BE IT KNOWN that, on presentation of this certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said shall be entitled to receive a Patent for the lot above described.

., Register.

(Copy of Back of Register's Certificate.)

4—189.

No.

CASH ENTRY.

LAND OFFICE AT

.

Sec., Town,, Range.

Approved

By, Clerk.

Division

Patented

Recorded Vol., Page,

**Copy of Form of Patent Hereinafter Referred to
Upon Which All Patents Were Issued and Made.**

4—407-a-ty.

**THE UNITED STATES OF AMERICA, TO ALL
TO WHOM THESE PRESENTS SHALL
COME, GREETING:**

Certificate No.

WHEREAS deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the Register of the Land Office at, whereby it appears that full payment has been made by the said, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the..... according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said and to heirs, the said Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said and to heirs and assigns forever; subject to any vested and accrued

water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I,, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the day of, in the year of our Lord one thousand nine hundred and, and of the Independence of the United States the one hundred and

By the President:,

By, Secretary,

.

Recorder of the General Land Office.

PATENT NUMBER.

Plaintiff's Exhibits Nos. 1, 2 and 3.

All Relating to the Application and Entry of Wm. W. Abrams.

Plaintiff's Exhibit No. 1.

WILLIAM W. ABRAMS: Occupation, carpenter.

Sworn Statement, No. 258, dated and filed October,

30, 1901, for entry of Lots 3 and 4, Section 5, Tp. 7 North of Range 5 East, Boise Meridian, and South One-half of the Southwest Quarter of Section 32, Tp. 8 North of Range 5 East, Boise Meridian.

ANSWERS Given by W. W. Abrams, to Questions 16, 17 and 18, on Cross-examination, at Final Prof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Savings from my labor. Some I have had for several years. I collected \$200.00 yesterday on account of money loaned.

Answer to Ques. 18: No, sir—never had a bank account in my life. Keep my money in my own possession.

Receiver's Receipt, No. 1922, dated July 15, 1902.

Final Certificate, No. 1922, dated July 15, 1902.

Plaintiff's Exhibit No. 2.

Deed from W. W. Abrams, to A. E. Palmer; dated July, 16th, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah, Conveys land described in Exhibit No. 1.

Plaintiff's Exhibit No. 3.

Patent to William W. Abrams, dated May, 24th, 1904, for the land described in Exhibit No. 1.

Plaintiff's Exhibits Nos. 4, 5, 6, 7, and 8.

All Relating to the Application and Entry of Lewis K. Burns.

Plaintiff's Exhibit No. 4.

LEWIS K. BURNS: Residence, 624 S. 14th St., Boise, Idaho.

Sworn Statement No. 278, dated and filed Nov. 26th, 1901, for entry of Northwest Quarter of Section 24, Tp. 7 North of Range 5 East, Boise Meridian.

ANSWERS Given by Lewis K. Burns, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I sold my ranch—120 acres—at \$50 per acre last fall. Have had the money in my possession since then.

Answer to Ques. 18: Yes, sir, Bank of Commerce and Capital State Bank, Boise.

Receiver's receipt No. 1891, dated June 24, 1902. Final Certificate No. 1891, dated June 24, 1902.

Plaintiff's Exhibit No. 5.

Patent to Lewis K. Burns, dated January 28th, 1904, for the land described in Exhibit No. 4.

Plaintiff's Exhibit No. 6.

Deed from Lewis K. Burns, to A. E. Palmer; dated September 18th, 1902; consideration \$1,000; acknowledged before L. M. Pritchard, Notary Public, and filed for record, Feb. 17th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 4.

Plaintiff's Exhibit No. 7.

Affidavit of Publication. Witnesses named, William Pearson, Patrick H. Downs, Charles Nelson and John I. Wells.

Plaintiff's Exhibit No. 8.

Non-Mineral Affidavit, and Notice for Publication. Report of Register and Receiver.

Plaintiff's Exhibits Nos. 9A to 9E.

Plaintiff's Exhibit No. 9A.

LOUISA B. WEST: Residence, Boise, Idaho.

Sworn Statement No. 252, dated and filed Nov. 1, 1901, for entry of Northwest quarter of Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 9B.

ANSWERS Given by Louisa B. West, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I got it from my father's estate. I have had it loaned out, and have had it in my actual possession since Friday last.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 9C.

Testimony of Louisa B. West, at Final Proof, dated January 29th, 1902.

Plaintiff's Exhibit No. 9D.

Final Certificates, No. 1940, dated July 18th, 1902.

Plaintiff's Exhibit No. 9E.

Receiver's Receipt No. 1940, dated July 18th, 1902.

NOTE.—The series of exhibits set out and referred to on page 21, viz: Exhibits numbered 9a to 9e inclusive, and each series of exhibits following relate to and are a part of a single and separate entry. Each exhibit is a part of the series of the Exhibit bearing the same numerical designation. The entry to which each series of exhibits relate is that of the entryman or entrywoman opposite whose name the

numerical designation of the Exhibit first appears, except the Exhibits in which it is otherwise specifically expressed, and except, also, the exhibits which are not a part of the Land Office files, such as letters, cruiser's estimates, checks, accounts, etc.

Plaintiff's Exhibits 10A to 10G.

Plaintiff's Exhibit No. 10A.

CHARLES W. BALENTINE: Residence, Boise, Idaho.

Sworn Statement, No. 256, dated and filed October, 29, 1901, for entry of Northeast quarter of Section 7, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 10B.

Testimony of Charles W. Balentine, at Final Proof, dated January, 22nd, 1902.

Plaintiff's Exhibit No. 10C.

ANSWERS Given by Charles W. Balentine, to Questions 16, 17 and 18, at Final Proof, on Cross-examination:

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Some, I have had for quite a while, savings from my labor, about \$300.00. I borrowed \$80. from my brother, and \$25.00 from the Capital State Bank, and collected several small accounts.

Answer to Ques. 18: No, sir. Kept my money home.

Plaintiff's Exhibit No. 10D.

Receiver's Receipt, No. 2466, dated July 16th, 1903.

Plaintiff's Exhibit No. 10E.

Final Certificate, No. 2466, dated July 16th, 1903.

Plaintiff's Exhibit No. 10F.

Patent to Charles W. Balentine, dated July, 26th 1904, for the land described in Exhibit 10A.

Plaintiff's Exhibit No. 10G.

Deed from Charles W. Balentine, to A. E. Palmer; dated August 31st, 1903, consideration ———; acknowledged before L. M. Pritchard, Notary Public and filed for record Aug. 18, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 10A.

Plaintiff's Exhibits 16A to 16G.

Plaintiff's Exhibit No. 16A.

EDWARD BRISBIN: Occupation, Mining, Boise, Idaho.

Sworn Statement No. 360, dated and filed April 18, 1902, for entry of Lot 3, Southeast quarter of Northwest Quarter, North One-half of Southwest Quarter, Section 1, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 16B.

Testimony of Edward Brisbin, at Final Proof, dated July, 9th, 1902.

Plaintiff's Exhibit No. 16C.

ANSWERS Given by Edward Brisbin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir, every dollar of it, Yes, sir, I do.

Answer to Ques. 17: From Sales of mining claims and labor. I have had more than enough to make the purchase for two months.

Answer to Ques. 18: No, sir. I don't keep any money in no bank. I keep it hid.

Plaintiff's Exhibit No. 16D.

Receiver's Receipt, No. 1904, dated July 9, 1902.

Plaintiff's Exhibit No. 16E.

Final Receipt, No. 1904, dated July 9, 1902.

Plaintiff's Exhibit No. 16F.

Patent to Edward Brisbin, dated March 17th, 1904, for the land described in Exhibit No. 16A.

Plaintiff's Exhibit No. 16G.

Deed from Edward Brisbin to A. E. Palmer; dated July 12, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. F. Borah. Conveys land described in Exhibit No. 16A.

Plaintiff's Exhibits Nos. 17A to 17G.

Plaintiff's Exhibit No. 17A.

LOUIS NIBLER: Occupation, Laborer; Residence, Boise, Idaho.

Sworn Statement, No. 261, dated and filed Nov. 1, 1901, for entry of Southeast quarter of Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 17B.

ANSWERS Given by Louis Nibler, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir, yes, sir.

Answer to Ques. 17: I worked hard for it, and have had it for a year.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 17C.

Testimony of Louis Nibler, at Final Proof, dated January, 28th, 1902.

Plaintiff's Exhibit No. 17D.

Receiver's Receipt, No. 2012, dated August 6th, 1902.

Plaintiff's Exhibit No. 17E.

Final Certificate No. 2012, dated August 6th, 1902.

Plaintiff's Exhibit No. 17F.

Patent to Louis Nibler, dated Feb. 1st, 1904, for land described in Exhibit 17A.

Plaintiff's Exhibit No. 17G.

Deed from Louis Nibler to A. E. Palmer; dated August 7, 1902; consideration, \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 17A.

Plaintiff's Exhibit Nos. 18A to 18K.

Plaintiff's Exhibit No. 18A.

JOHN M. NEIL: Residence, Boise Idaho.

Sworn Statement, No. 588, dated and filed September 15, 1902, for entry of North one-half of the North east quarter, and North half of the Northwest quarter of Section 25, Tp. 7 North of Range 8 east, Boise Meridian.

Plaintiff's Exhibit No. 18B.

Testimony of John M. Neil, at Final Proof, dated December, 17th, 1902.

Plaintiff's Exhibit No. 18C.

ANSWERS Given by John M. Neil to Questions 16, 17, and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed the amount necessary from Bank of Commerce on my personal note.

Answer to Ques. 18: Yes. Bank of Commerce, Boise.

Plaintiff's Exhibit No. 18D.

Final Certificate, No. 2218, dated December, 17th, 1902, for land in Exhibit 18A.

Plaintiff's Exhibit No. 18E.

Receiver's Receipt, No. 2218, dated December, 17th, 1902, for land in Exhibit No. 18A.

Plaintiff's Exhibit No. 18F.

Maud Pitman Neil, Receiver's Certificate No. 2219, December 17th, 1902, for land described in Exhibit 18 I.

Plaintiff's Exhibit No. 18G.

Maud Pitman Neil, Receiver's Receipt No. 2219, dated December, 17th, 1902, for land described in Exhibit 18 I.

Plaintiff's Exhibit No. 18H.

Deed from John M. Neil, and Maud Pitman Neil, his wife, to Horace S. Rand; consideration \$1,600.00; dated Feb. 11th, 1903; acknowledged before L. M. Pritchard, Notary Public; conveys also property described in Exhibits No. 18A and 18 I.

Plaintiff's Exhibit No. 18 I.

MAUD PITMAN NEIL, Deceased.

Sworn Statement of Maud Pitman Neil, dated and filed Sept. 15th, 1902, Boise, Idaho, for entry of Lots, 1, 2, and South one-half of North East quarter of Section 4, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 18J.

ANSWERS Given by Maud Pitman Neil, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, my husband gave me the money with which to pay for the land, and all expenses.

Answer to Ques. 17: I got the money from my husband. He earned same in his business.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 18K.

Testimony of Maud Pitman Neil, at Final Proof, dated December 17th, 1902.

Plaintiff's Exhibits Nos. 19A to 19G.

(Record shows offer of 19H, but no Exhibit of that number.)

Plaintiff's Exhibit No. 19A.

SAMUEL GREIG: Occupation, Painter; Residence, Boise, Idaho.

Sworn Statement No. 287, dated and filed December 7, 1901, for entry of Lot 4, Section 1, Lots 1, 2 and 3, Section 2, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 19B.

Testimony of Samuel Greig, at Final Proof, dated February 21st, 1902.

Plaintiff's Exhibit No. 19C.

ANSWERS Given by Samuel Greig, to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir; yes, sir.

Answer to Ques. 17: I saved it from my earnings, brought some of it from the old country—close to \$200.00, about four months, the whole of it.

Answer to Ques. 18: No. I keep it in the house, I haven't been here long enough to get acquainted with the bank.

Plaintiff's Exhibit No. 19D.

Receiver's Receipt No. 1895, dated July 1, 1902.

Plaintiff's Exhibit No. 19E.

Final Certificate, No. 1895, dated July 1, 1902.

Plaintiff's Exhibit No. 19F.

Patent, To Samuel Greig for land in Exhibit No. 19A, dated Jan 28, 1904.

Plaintiff's Exhibit No. 19G.

Deed from Samuel Greig and wife, Sarah Greig, dated March 24, 1903, to A. E. Palmer; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public; conveys South One-half of Northwest quarter, and South One-half of Northeast quarter, of Section 2, Tp. 7 North of Range 5 East, Boise Meridian, also land described in Exhibit No. 19A.

Plaintiff's Exhibits Nos. 20A to 20H.

Plaintiff's Exhibit No. 20A.

SARAH GREIG: Residence, Boise, Idaho:

Sworn statement, No. 288, dated and filed December 7th, 1901, for entry of South One-half of the Northwest quarter and South One-half of the Northeast quarter, of Section 2, Tp. 7 North, Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 20B.

Testimony of Sarah Greig, at Final Proof, dated February 21st, 1902.

Plaintiff's Exhibit No. 20C.

ANSWERS Given by Sarah Greig to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I worked for it myself, before I was married. Over six years.

Answer to Ques. 18: I have kept it home here. I used to loan it out at home in Scotland.

Plaintiff's Exhibit No. 20D.

Receiver's Receipt No. 1896, dated July 1, 1902.

Plaintiff's Exhibit No. 20E.

Final Certificate, No. 1896, dated July 1, 1902.

Plaintiff's Exhibit Nos. 20F to 20G.

Final Proof, Witness, John I. Wells.

Plaintiff's Exhibit No. 20H.

Patent to Sarah Greig, dated Jan. 28, 1904, to property described in Exhibit No. 20A.

Plaintiff's Exhibits Nos. 21A to 21T.**Plaintiff's Exhibit No. 21A.**

CLIFTON C. BLIVEN: Occupation, Carpenter; Residence, Boise, Idaho.

Sworn Statement, No. 594, dated and filed Sept. 16th, 1902, for entry of East One-half of the North-east quarter, North One-half of the Southeast quarter, Section 24, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 21B.

ANSWERS Given by Clifton C. Bliven, to Questions 16, 17, and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, I do.

Answer to Ques. 17: From my work; since the first of the month, I have had all of it. Some for six months.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 21C.

Testimony of Clifton C. Bliven, at Final Proof; dated April 17th, 1903.

Plaintiff's Exhibit No. 21D.

Receiver's Receipt, No. 2401, dated April 29, 1903.

Plaintiff's Exhibit No. 21E.

Final Certificate No. 2401, dated April 29, 1903.

Plaintiff's Exhibit No. 21F.

Affidavit for extension of time.

"In the United States Land Office, Boise, Idaho.

State of Idaho,

County of Ada,—ss.

CLIFTON C. BLIVEN, being first duly sworn, deposes and says: That on the 16th day of September, 1903, he made sworn statement No. 594, in accordance with the provisions of an Act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory, as extended to all the public land States by the Act of August 4th, 1892, for the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, of Section 24, Township 7 North, Range 7 East, B. M.; that the 14th day of January, 1903, was the day set upon which affiant should make his final proof and pay for said land, and that ten days additional time is allowed within which to make said final proof, which said ten days additional time expires this day; that affiant is a carpenter and builder, and works at his trade in Boise, Ada County, Idaho; that affiant has building contracts which he expected to complete before the date set for final proof herein, and thus have sufficient means to pay for said land; that he is unable to procure any money upon said contracts until the same are finally completed; that on account of the inclement weather and the scarcity of building material, affiant has been unable to complete the aforesaid contracts up to this time, and affiant has no money with which to pay for said land, or property upon which he could raise money for that purpose, and has to depend entirely upon his labor to obtain

money; that said filing was made in good faith, and for affiant's own personal use and benefit, and not for the use or benefit of any other person, or in the interest of any person except himself; that if an additional sixty days' time is given affiant within which to make final proof upon said entry, affiant will be able to complete his contracts and receive payment thereon, and thus be enabled financially to make final proof and pay for said land; that unless such additional time is granted affiant within which to make said final proof, it will work a great hardship upon affiant, as he has no means whatever of raising money except as above.

Wherefore, Affiant respectfully asks that he be granted sixty days' additional time within which to make said proof, and affiant will ever pray.

CLIFTON C. BLIVEN.

Subscribed and sworn to before me this 24th day of January, A. D. 1903.

[Seal]

G. G. ADAMS,

Notary Public.

"State of Idaho,
County of Ada,—ss.

Henry Rics being first duly sworn, deposes and says: That he has read the above and foregoing affidavit of Clifton C. Bliven, and knows the contents thereof, and is familiar with the facts therein stated, and knows the same to be true of his own knowledge.

Further affiant saith not.

HENRY RICS.

Subscribed and sworn to before me this 24th day
of January, 1903.

[Seal]

G. G. ADAMS,
Notary Public."

"Filed, Feb. 20, 1909. A. L. Richardson, Clerk."

Plaintiff's Exhibit No. 21G.

Missing.

Plaintiff's Exhibit No. 21H.

Testimony of Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 21I.

Cross-examination of Patrick H. Downs, on final
proof.

Plaintiff's Exhibit No. 21J.

Frank R. McDonald, cross-examination of, at final
proof.

Plaintiff's Exhibit No. 21K.

Testimony of Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 21L.

Cross-examination of Frank R. McDonald at final
proof.

Plaintiff's Exhibit No. 21M.

Testimony of Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 21N.

Cross-examination of witness, Andrew Hansen, at
final proof.

Plaintiff's Exhibit No. 21 O.

Testimony of Andrew Hansen, witness, at final
proof.

Plaintiff's Exhibit No. 21P.

Affidavit, re-publication, witnesses named, John W. Rose, Andrew Hansen, Frank McDonald and Patrick Downs.

Plaintiff's Exhibit No. 21Q.

Notice for re-publication.

Plaintiff's Exhibit No. 21R.

Notice—Publication.

Plaintiff's Exhibit No. 21S.

Non-mineral affidavit.

Plaintiff's Exhibit No. 21T.

Deed from Clifton C. Bliven and wife, to Horace S. Rand, dated April 13, 1903; consideration, \$800.-00; acknowledged before L. M. Pritchard, Notary Public. Filed for record at request of W. E. Borah, July, 1st, 1904.

Plaintiff's Exhibits Nos. 22A to 22Q.**Plaintiff's Exhibit No. 22A.**

MACK GILLUM: Occupation, Painter; Residence, Boise, Idaho.

Sworn Statement, No. 312, dated and filed December 26, 1901, for entry of North East quarter of Section 26, T. 8 North of Range 5 east, Boise Meridian.

Plaintiff's Exhibit No. 22B.

Testimony of Mack Gillum, at Final Proof, dated March 18th, 1902.

Plaintiff's Exhibit No. 22C.

ANSWERS Given by Mack Gillum, to Questions 16, 17 and 18, on Cross-examination, at Final Proof:
Answer to Ques. 16: I do. Yes, sir.

Answer to Ques. 17: I got it from my sheep when I sold them. I sold some sheep about 2 years ago, and got \$800 of the money about a week or so ago. Since Feb. 24, 1902.

Answer to Ques. 18: No, sir. I have not. I kept my money in my own possession.

Plaintiff's Exhibit No. 22D.

Receiver's Receipt, No. 1983, dated July 29th, 1902.

Plaintiff's Exhibit No. 22E.

Final Certificate No. 1983, dated July 29th, 1902.

Plaintiff's Exhibit No. 22F.

Cross-examination of Wilburt F. Wilmot, on final proof.

Plaintiff's Exhibit No. 22G.

Testimony of Wilbert F. Wilmot, on final proof.

Plaintiff's Exhibit No. 22H.

REPORT OF REGISTER AND RECEIVER.

“DEPARTMENT OF THE INTERIOR,

U. S. Land Office,

Boise, Idaho, March 18, 1902.

In re Timber and Stone Sworn Statement No. 312,
of Mack Gillum, for NE. $\frac{1}{4}$, Sec. 26, Tp. 8 N.,
R. 5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and the testimony of claimant and witnesses taken. Final certificate and receipt were not issued, per letter 'P' of July 13, 1901.

Pursuant to the instructions contained in said

letter, we have the honor to report that the regulations relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

The land applied for is located in Boise Basin on Grimes Creek, a tributary of the Boise river.

From the evidence before us, the applicant appears to be offering the entry as a personal investment. The conduct and bearing of the parties were straightforward. We believe the application to be within the law and regulations, and that it should therefore be allowed.

JAMES KING,

Register,

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 22 I.

Cross-examination of John I. Wells, witness, on final proof.

Plaintiff's Exhibit No. 22J.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 22K.

Notice for Publication; witnesses named, Mart Stephenson, W. F. Wilmot, John Wells and Patrick H. Downs.

Plaintiff's Exhibit No. 22L.

Non-mineral affidavit.

Plaintiff's Exhibit No. 22M.

Missing.

Plaintiff's Exhibit No. 22N.

Deed from Mack Gillum and wife, Altha, to A. E. Palmer; consideration \$2,000.00, dated July, 31st, 1902, acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah.

This conveys property in Exhibit No. 22A, and South One-half of the Northwest quarter, and South Half of the Northeast quarter of Section 25, Township 8 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 22O.

Affidavit of publication.

Plaintiff's Exhibit No. 22P.

Affidavit, Register and Receiver.

Plaintiff's Exhibit No. 22Q.

Patent to Mack Gillum, for land described in Exhibit No. 22A, dated February 1st, 1904.

Plaintiff's Exhibits Nos. 23A to 23M.

Plaintiff's Exhibit No. 23A.

HARRY S. WORTHMAN: Occupation, Attorney at Law.

Sworn Statement, No. 355, dated and filed April 5th, 1902, for entry of West One-half of the Southwest quarter, Northeast quarter of the Southwest quarter, and Northwest quarter of the southeast

quarter, Section 29, T. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 23B.

Notice for publication: witnesses, Walter S. Walker, Patrick H. Downs, John I. Wells, J. A. Lipincott.

Plaintiff's Exhibit No. 23C.

Receiver's Receipt, No. 1878, dated June 19, 1902.

Plaintiff's Exhibit No. 23D.

Final Certificate, No. 1878, dated June 19, 1902.

Plaintiff's Exhibit No. 23E.

Deed from Harry S. Worthman, to A. E. Palmer, dated March 16, 1903; consideration, \$1,000, acknowledged before Walter S. Walker, Notary Public, and filed for record February 18th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 23A.

Plaintiff's Exhibit No. 23F.

Cross-examination of witness, Walter S. Walker, on final proof.

Plaintiff's Exhibit No. 23G.

Testimony of witness, Walter S. Walker, on final proof.

Plaintiff's Exhibit No. 23H.

Non-mineral Affidavit of Harry S. Worthman.

Plaintiff's Exhibit No. 23I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 23J.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 23K.

ANSWERS Given by Harry S. Worthman to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I have. I do.

Answer to Ques. 17: In the course of my law business. I have had \$600.00 in the Bank for past year, off and on.

Answer to Ques. 18: Yes. Bank of Commerce.

Plaintiff's Exhibit No. 23L.

Testimony of Harry S. Worthman, on final proof, dated June 19th, 1902.

Plaintiff's Exhibit No. 23M.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 23A-1 to 23A-16.

Letters of Wm. Sweet, to Harry S. Worthman.
Copy all in record.

Plaintiff's Exhibits Nos. 23B-1 to 23B-2.

Plaintiff's Exhibit No. 23B-1.

Receipt for Sweet and Steunenber contract.

“Boise, Idaho, June 9th, 1903.

Received of Harry S. Worthman, Attorney, a certain escrow and contract, running from William Sweet to Frank Steunenber, conditioned for the payment of Four Thousand Dollars, by said Steunenber within eight months from May 1st, when said

contract is to be delivered to said Steunenbergs, or, if such payment is not made within said time, said contract is to be redelivered to said Sweet.

R. McAFEE."

Plaintiff's Exhibit No. 23B-2.

Copy Contract between Sweet and Steunenbergs.

"ARTICLES OF COPARTNERSHIP MADE AND ENTERED INTO THIS TENTH DAY OF FEBRUARY, 1902, BETWEEN FRANK STEUNENBERG, OF CALDWELL, IDAHO, AND WILLIAM SWEET, OF BOISE, IDAHO.

The said parties above named have agreed, and by these presents do agree to become copartners in business, as Steunenbergs & Sweet, in acquiring, holding, selling timber lands in Boise County, Idaho, and doing all matters in connection with the owning, holding, selling and managing timber business in said County, which they may deem desirable, their copartnership to commence from the tenth day of February, 1902, and it is agreed that there has already been invested in said business the sum of nineteen Thousand Seven Hundred Dollars (\$19,700), of which amount William Sweet has invested personally Twelve Thousand Two Hundred Dollars (\$12,200), and Steunenbergs & Sweet jointly, Seven Thousand Five Hundred Dollars (\$7,500).

It is further agreed that the copartnership firm shall pay to William Sweet, out of the money realized from the business, the said sum of Twelve Thousand Two Hundred Dollars (\$12,200) with interest

thereon at the rate of six per cent from the date of this contract.

It is further agreed that the interest of each of said partners is an equal interest and that this contract covers all timber lands hereafter acquired by either of the parties to the contract, and that they shall share the profits and losses share and share alike and be equal partners in the entire business.

IN WITNESS WHEREOF, The parties have hereunto set their hands and seals the day and year first above written.

FRANK STEUNENBERG. (Seal)

WM. SWEET. (Seal)''

Plaintiff's Exhibits Nos. 24A to 24K.

Plaintiff's Exhibit No. 24A.

WILLIAM H. GIBBERD: Occupation, Superintendent; Residence, Boise, Idaho.

Sworn statement No. ———, dated and filed August 29th, 1902, for entry of East One-half of the Northwest quarter, Southwest quarter of the Northwest quarter, Northeast quarter of the southwest quarter, section 12, T. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 24B.

Affidavit of Publication.

Plaintiff's Exhibit No. 24C.

ANSWERS Given by Wm. H. Gibberd, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: It is my own personal earn-

ings. Have had same over a year, and on deposit at interest, 6 months.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 24D.

Testimony of Wm. H. Gibberd, given on final proof, dated December 3, 1902.

Plaintiff's Exhibit No. 24E.

Notice for Publication; witnesses, J. A. Youngkin, Elof Anderson, J. I. Wells, and Emma H. Anderson.

Plaintiff's Exhibit No. 24F.

Testimony of witness, John A. Youngkin, on final proof.

Plaintiff's Exhibit No. 24G.

Testimony of witness, Elof Anderson, on final proof.

Plaintiff's Exhibit No. 24H.

Receiver's receipt, No. 2187, dated December, 3, 1902.

Plaintiff's Exhibit No. 24I.

Final Certificate No. 2187, December 3, 1902.

Plaintiff's Exhibit No. 24J.

Deed from Wm. H. Gibberd, and wife, Addie G. Gibberd, to Horace S. Rand, dated Feb. 12, 1903; consideration, \$800.00, acknowledged before Walter S. Walker, Notary Public, and filed for record June 23, 1905, at the request of Wm. E. Borah. Conveys land described in Exhibit No. 24A.

Plaintiff's Exhibit No. 24K.

Missing.

Plaintiff's Exhibits Nos. 25A to 25L.

Plaintiff's Exhibit No. 25A.

ADDIE G. GIBBERD:

Sworn Statement No. ———, dated and filed Sept. 8, 1902, for entry of Lots 3 and 4, and South One-half of the Northwest Quarter, of Section 2, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 25B.

ANSWERS Given by Addie G. Gibberd, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My husband gave it to me. It has been with my husband's money I have money of my own, Mr. Gibberd uses it, it has been treated as a common fund. Mr. Gibberd is Supt. of the Settlers' Canal.

Answer to Ques. 18: No, Mr. Gibbert has our funds in the Capital State Bank.

Plaintiff's Exhibit No. 25C.

Testimony of Addie G. Gibberd, given on final proof, dated December 23d, 1902.

Plaintiff's Exhibit No. 25D.

Receiver's receipt No. 2238, dated December 23, 1902.

Plaintiff's Exhibit No. 25E.

Final Certificate No. 2238, dated December 23, 1902.

Plaintiff's Exhibit No. 25F.

Affidavit of Publication.

Plaintiff's Exhibit No. 25G.

Notice for Publication; witnesses for final proof, John A. Youngkin, Adam Ormsbey, E. H. Starn, Susie A. Youngkin.

Plaintiff's Exhibit No. 25H.

Non-mineral Affidavit of Addie G. Gibberd.

Plaintiff's Exhibit No. 25I.

Testimony of witness, Susie A. Youngkin, on final proof.

Plaintiff's Exhibit No. 25J.

Testimony of witness, John A. Youngkin, on final proof.

Plaintiff's Exhibit No. 25L.

Deed from Addie G. Gibberd and Wm. H. Gibberd, to Horace S. Rand; dated February 12, 1903; consideration \$800.00; acknowledged before Walter S. Walker, Notary Public, and filed for record at the request of W. E. Borah, June 23, 1904. Conveys land described in Exhibit No. 25A.

Plaintiff's Exhibits Nos. 26A to 26S.**Plaintiff's Exhibit No. 26A.**

JAMES O. BAKER: Occupation, Teamster; Residence, Boise, Idaho.

Sworn Statement, No. 306, dated and filed December 24, 1901, for entry of Southeast quarter of Section 25, Tp. 7 North, Range 5 East, Boise, Meridian.

Plaintiff's Exhibit No. 26B.

Cross-examination of witness, Martin S. Stephenson, on final proof.

Plaintiff's Exhibit No. 26C.

Testimony of witness, Martin S. Stephenson, on final proof.

Plaintiff's Exhibit No. 26D.

Cross-examination of witness, Arthur E. Brookhart, on final proof.

Plaintiff's Exhibit No. 26E.

Affidavit of witness, Arthur E. Brookhart, Correction of name.

Plaintiff's Exhibit No. 26F.

Testimony of witness, Arthur E. Brookhart, on final proof.

Plaintiff's Exhibit No. 26G.

ANSWERS of James O. Baker to Questions 16, 17 and 18, on cross-examination, at Final Proof.

Answer to Ques. 16: I did; yes, sir.

Answer to Ques. 17: Out of my last two years labor. Most of it for past 4 months, \$120 of it, the 18th inst.

Answer to Ques. 18: No, sir, I never did keep a bank account.

Plaintiff's Exhibit No. 26H.

Testimony of James O. Baker, on final proof, dated March 20th, 1902.

Plaintiff's Exhibit No. 26I.

Missing.

Plaintiff's Exhibit No. 26J.

Report of Register and Receiver, clear listing entry.

“DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE,

Boise, Idaho, March 20, 1902.

In re Timber and Stone Sworn
Statement No. 306, of James
O. Baker, for SE $\frac{1}{4}$, Sec. 25,
Tp 7 N, R 5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and the testimony of claimant and witnesses taken. Final certificate and receipt were not issued, per letter ‘P’ of July 13, 1901.

Pursuant to the instructions contained in said letter, we have the honor to report that the regulations relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

The land applied for is located in Boise Basin on Elk creek, a tributary of the Boise river.

From the evidence before us, the applicant appears to be offering the entry as a personal investment. The conduct and bearing of the parties were straightforward. We believe the application to be

within the law and regulations and that it should therefore be allowed.

JAMES KING,

Register.

EDWARD E. GARRETT,

Receiver.

Filed Feb. 23, 1909. A. L. Richardson, Clerk.

Plaintiff's Exhibit No. 26K.

Affidavit of Publication.

Plaintiff's Exhibit No. 26L.

Certificate of Register and Receiver as to discrepancy between dates of proof and receiver's Receipt and Register's certificate.

Plaintiff's Exhibit No. 26M.

Receiver's receipt No. 1958, dated July 22, 1902.

Plaintiff's Exhibit No. 26N.

Final Certificate No. 1958, dated July 22, 1902.

Plaintiff's Exhibit No. 26O.

Notice for Publication; witnesses named, Arthur Brookhart, Fred McBurney, Martin S. Stephenson, Lettie Stephenson.

Plaintiff's Exhibit No. 26P.

Certificate of Register and Receiver extending time for final proof.

Plaintiff's Exhibit No. 26Q.

Affidavit of James O. Baker, reasons for asking extension of time for final proof.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Idaho, March 20, 1902.

James O. Baker, being first duly sworn, deposes and says that he is the identical James O. Baker who made Timber and Stone Statement No. 306, at this office December 24, 1901, for SE $\frac{1}{4}$, Sec. 25, Tp. 7 N, R. 5 E; that he was unable to appear and make proof on said Sworn Statement on the 14th day of March, 1902, the day advertised for final proof thereon, nor on any of the subsequent days, until this 20th day of March, 1902, because the money with which he intended to make payment for said land was some of it loaned out and some of it in the form of time checks, and he could not secure the same until this 20th day of March, 1902.

(Signed) JAMES O. BAKER.

Subscribed and sworn to before me this 20th day of March, 1902.

(Signed) EDWARD E. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 26R.

Non-Mineral Affidavit of Jas. O. Baker.

Plaintiff's Exhibit No. 26S.

Deed from James O. Baker and wife, to A. E. Palmer; dated July 7th, 1904; consideration, \$1,000.00; acknowledged before L. M. Pritchard, and filed for record July 30th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 26A.

Plaintiff's Exhibits Nos. 27A to 27N.

Plaintiff's Exhibit No. 27A.

ELOF ANDERSON: Occupation, Tailor; Residence, Boise, Idaho.

Sworn Statement No. ——— dated and filed August 29th, 1902, for entry of Southeast quarter of Section 12, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 27B.

EXAMINATION of Patrick H. Downs, before Receiver.

Plaintiff's Exhibit No. 27C.

Examination of Elof Anderson before Receiver.

Plaintiff's Exhibit No. 27D.

Naturalization papers of Elof Anderson.

Plaintiff's Exhibit No. 27E.

Non-mineral affidavit of Elof Anderson.

Plaintiff's Exhibit No. 27F.

Final Certificate No. 2199, dated December 8th, 1902.

Plaintiff's Exhibit No. 27G.

Receiver's Receipt No. 2199, dated December 8th, 1902.

Plaintiff's Exhibit No. 27H.

Affidavit of Publication.

Plaintiff's Exhibit No. 27I.

Notice for Publication; witnesses named for final proof, Wm. H. Gibberd, John A. Youngkin, Emma M. Anderson, Patrick H. Downs.

Plaintiff's Exhibit No. 27J.

ANSWERS Given by Elof Anderson to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I get the money from my business. Have had that amount for a number of years.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 27K.

Testimony of Elof Anderson, at final proof, dated December 8th, 1902.

Plaintiff's Exhibit No. 27L.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 27M.

Testimony of witness, Wm. H. Gibberd at final proof.

Plaintiff's Exhibit No. 27N.

Deed from Elof Anderson and wife, Emma Anderson, dated February 11th, 1903, to Horace S. Rand; consideration, \$1,600.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 23, 1904. Conveying land described in Exhibit 27A, and Exhibit 28A.

Plaintiff's Exhibits Nos. 28A to 28N.**Plaintiff's Exhibit No. 28A.**

EMMA M. ANDERSON: Wife of Elof Anderson: Residence, Boise, Idaho.

Sworn Statement No. ———, dated and filed August 29th, 1902, for entry of Lots 1, 2 and 3, 4, Section 1, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 28B.

Testimony of Emma M. Anderson, on final proof, dated December 8th, 1902.

Plaintiff's Exhibit No. 28C.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 28D.

Testimony of witness, Wm. H. Gibberd, on final proof.

Plaintiff's Exhibit No. 28E.

Non-mineral affidavit of Emma M. Anderson.

Plaintiff's Exhibit No. 28F.

Affidavit of Emma M. Anderson of marriage to Elof Anderson.

Plaintiff's Exhibit No. 28G.

Naturalization Certificate of Elof Anderson.

Plaintiff's Exhibit No. 28H.

Affidavit of Publication.

Plaintiff's Exhibit No. 28I.

Notice for Publication; witnesses named, Wm. H. Gibberd, John A. Youngkin, Elof Anderson, Patrick H. Downs.

Plaintiff's Exhibit No. 28J.

Examination of witness, Patrick H. Downs by Receiver.

Plaintiff's Exhibit No. 28K.

Affidavit of Emma M. Anderson, Non-alienation affidavit.

Plaintiff's Exhibit No. 28L.

ANSWERS, Given by Emma M. Anderson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Ans. to Ques. 16: Yes.

Ans. to Ques. 17: I have had the money in my possession for years. It was left to me by my father.

Ans. to Ques. 18: No.

Plaintiff's Exhibit No. 28M.

Final Certificate No. 2200, dated December 8th, 1902.

Plaintiff's Exhibit No. 28N.

Receiver's Receipt No. 2200, dated December 8th, 1902.

Plaintiff's Exhibits Nos. 29A to 29K.**Plaintiff's Exhibit No. 29F.**

JOHN J. KEANE:

Sworn Statement, No. 249, dated and filed October 26th, 1901, for entry of West One-half of the Northeast Quarter and West One-half of the Southeast Quarter of Section 21, Tp. 7 North of Range 5 East, Boise, Meridian.

Plaintiff's Exhibit No. 29A.

Non-mineral Affidavit of John J. Keane.

Plaintiff's Exhibit No. 29B.

Cross-examination of witness, Samuel Dye, on final proof.

Plaintiff's Exhibit No. 29C.

Testimony of witness, Samuel Dye, on final proof.

Plaintiff's Exhibit No. 29D.

Cross-examination of witness, Dean West, on final proof.

Plaintiff's Exhibit No. 29E.

Testimony of witness, Dean West, on final proof.

Plaintiff's Exhibit No. 29G.

Testimony of John J. Keane, on final proof, dated January 16, 1902.

Plaintiff's Exhibit No. 29H.

ANSWERS Given by John J. Keane, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir, I did, and I do.

Answer to Ques. 17: I had it on hand, have had part of it, 10 years.

Answer to Ques. 18: Yes, sir, in Boise banks.

Plaintiff's Exhibit No. 29I.

Receiver's Receipt No. 1813, dated April 25th, 1902.

Plaintiff's Exhibit No. 29J.

Final Certificate, No. 1813, dated April 25th, 1902.

Plaintiff's Exhibit No. 29K.

Deed from John J. Keane and wife to A. E. Palmer, dated June 19th, 1903; consideration, \$750.00; acknowledged before L. M. Pritchard, and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 29F.

Plaintiff's Exhibits Nos. 30A to 30L.**Plaintiff's Exhibit No. 30A.**

GEORGE G. GIBSON: Residence, Boise, Idaho.

Sworn statement No. 338, dated and filed March 25th, 1902, for entry of NW. $\frac{1}{4}$, Section 21, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 30B.

Testimony of George G. Gibson, on final proof, dated June 17, 1902.

Plaintiff's Exhibit No. 30C.

ANSWERS Given by George G. Gibson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: I made it in my business, have had it in my business 3 or 4 years.

Answer to Ques. 18: Have an account in Capital State Bank.

Plaintiff's Exhibit No. 30D.

Receiver's Receipt, No. 1870, dated June 17th, 1902.

Plaintiff's Exhibit No. 30E.

Final Certificate No. 1870, dated June 17th, 1902.

Plaintiff's Exhibit No. 30F.

Notice for Publication; witnesses for final proof, W. C. Lane, S. Hooper, W. F. Noble, Wm. Judge.

Plaintiff's Exhibit No. 30G.

Affidavit of Publication.

Plaintiff's Exhibit No. 30H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 30I.

Cross-examination of witness, Willis C. Lane, on final proof.

Plaintiff's Exhibit No. 30J.

Testimony of witness, Willis C. Lane, on final proof.

Plaintiff's Exhibit No. 30K.

Cross-examination of witness, Wm. Judge on final proof.

Plaintiff's Exhibit No. 30L.

Testimony of witness, Wm. Judge, at final proof.

Plaintiff's Exhibits Nos. 31A to 31M.

Plaintiff's Exhibit No. 31A.

BENJAMIN R. ALLEN: Residence, Boise, Idaho; teamster.

Notice for Publication; witnesses for final proof, Samuel E. Vance, John E. Hobbs, Hiram Maynard, John J. Pawley.

Plaintiff's Exhibit No. 31B.

Affidavit of Publication.

Plaintiff's Exhibit No. 31C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 31D.

Sworn Statement No. 990, dated and filed, Aug. 10, 1903, for entry of Northeast quarter of Section 30, Tp. 6 N. of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 31E.

Cross-examination of witness, John E. Hobbs, at final proof.

Plaintiff's Exhibit No. 31F.

Testimony of witness, John E. Hobbs, at final proof.

Plaintiff's Exhibit No. 31G.

Cross-examination of witness, Hiram Maynard, at final proof.

Plaintiff's Exhibit No. 31H.

Testimony of witness, Hiram Maynard, at final proof.

Plaintiff's Exhibit No. 31I.

ANSWERS Given by Benjamin R. Allen, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed \$200.00 from a friend, the balance I earned. Have had it about 6 or 7 months.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 31J.

Testimony of Benjamin R. Allen, at final proof, dated Nov. 6, 1903.

Plaintiff's Exhibit No. 31K.

Final Certificate No. 2690, dated Nov. 6th, 1903.

Plaintiff's Exhibit No. 31L.

Receiver's Receipt No. 2690, Nov. 6th, 1903.

Plaintiff's Exhibit No. 31M.

Deed from Benjamin R. Allen, to Horace S. Rand: dated Feb. 9th, 1904; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public and filed for record at the request of W. E. Borah, July 30, 1904. Conveys land described in Exhibit No. 31D.

Plaintiff's Exhibits Nos. 32A to 32H.

Plaintiff's Exhibit No. 32A.

HENRY T. JAMES: Residence, Boise, Idaho; occupation, teamster.

Sworn Statement No. 383, dated and filed May 5th, 1902, for entry of Southeast quarter of Section 13, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 32B.

Receiver's Receipt No. 1966, dated July 24th, 1902.

Plaintiff's Exhibit No. 32C.

Final Certificate No. 1966, dated July 24th, 1902.

Plaintiff's Exhibit No. 32D.

Testimony of Witness, Charles H. Arbuckle, at final proof.

Plaintiff's Exhibit No. 32E.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 32F.

ANSWERS of Henry T. James to Questions 16, 17 and 18 on Cross-examination at Final Proof, Answer to Ques. 16: Yes.

Answer to Ques. 17: I worked and earned most of it, and the balance I borrowed.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 32G.

Testimony of Henry T. James on final proof, dated July 24, 1902.

Plaintiff's Exhibit No. 32H.

Deed from Henry T. James to A. E. Palmer, dated July 26th, 1902; consideration, \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 32A.

Plaintiff's Exhibits Nos. 33A to 33S.

Plaintiff's Exhibit No. 33A.

JOSEPH M. HOLLISTER: Residence, Boise, Idaho; occupation, Secy. of Bldg. & Loan Assn.

Sworn Statement No. 251, dated and filed Oct. 26th, 1901, for entry of Southeast Quarter of Section 7, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 33B.

Testimony of Joseph M. Hollister, on final proof, dated Jan. 21st, 1902.

Plaintiff's Exhibit No. 33C.

ANSWERS Given by Joseph M. Hollister to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: By savings from my salary. Part six months, and part since last quarter's payment.

Answer to Ques 18: Yes. Capital State Bank,
Boise.

Plaintiff's Exhibit No. 33D.

Receiver's Receipt No. 1972, dated July 25th,
1902.

Plaintiff's Exhibit No. 33E.

Final Certificate No. 1972, dated July 25th, 1902.

Plaintiff's Exhibit No. 33F.

Cross-examination of witness, Patrick H. Downs,
at final proof.

Plaintiff's Exhibit No. 33G.

Testimony of witness, Patrick H. Downs, at final
proof.

Plaintiff's Exhibit No. 33H.

Testimony and Cross-examination of Charles W.
Balentine at final proof.

Plaintiff's Exhibit No. 33 I.

REPORT OF REGISTER AND RECEIVER,
RECOMMENDING ENTRY.

“DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE,

Boise, Idaho, January, 21, 1902.

In re Timber and Stone Sworn Statement No. 251,
of Joseph M. Hollister, for SE.1/4, Sec. 7. Tp.
7 N., R. 5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and
the testimony of claimant and witnesses taken.
Final certificate and receipt were issued, per letter
‘P’ of July 13, 1901.

Pursuant to the instructions contained in said letter, we have the honor to report that the regulations relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied that the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

The entryman is personally known to us as a straight-forward and honorable citizen. We believe the entryman thinks he sees an opportunity for profitable personal investment. Therefore, we recommend that the entry be allowed.

JAMES KING,

Register.

EDWARD E. GARRETT,

Receiver."

Filed March 1, 1909. A. L. Richardson, Clerk.

Plaintiff's Exhibit No. 33J.

Notice for Publication; witnesses for final proof, James Hamilton, Henry H. Snow, Patrick H. Downs, Chas. Balentine.

Plaintiff's Exhibit No. 33K.

Certificate of Register and Receiver as to continuance of postponement of date of final proof.

Plaintiff's Exhibit No. 33L.

Affidavit of Joseph M. Hollister, reference to inability to make proof on date set.

Plaintiff's Exhibit No. 33M.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 33N.

Missing.

Plaintiff's Exhibit No. 33O.

Certificate Register and Receiver, reference to discrepancy, bt. date of proof and dates of Register's Certificate and Receiver's Receipt.

Plaintiff's Exhibit No. 33P.

Affidavit of Publication.

Plaintiff's Exhibit No. 33Q.

Missing.

Plaintiff's Exhibit No. 33R.

Patent to Joseph M. Hollister, dated Feb. 1, 1904, for land described in Exhibit No. 33A, all in Boise Meridian.

Plaintiff's Exhibit No. 33S.

Deed from Joseph M. Hollister and Lenora Hollister to A. E. Palmer; dated June 23, 1903; consideration, \$2,000, and acknowledged before L. M. Pritchard, Notary Public, and filed for record Feb. 29, 1904, at the request of Wm. E. Borah. Conveys land described in Exhibit No. 33A and 35A.

Plaintiff's Exhibits Nos. 34A to 34G.

Plaintiff's Exhibit No. 34A.

MARGARET PEARSON: Residence, Boise, Idaho.

Sworn Statement No. 289, dated and filed Dec. 7th, 1901, for entry of North One-half of the Northwest quarter, Northwest quarter of the Northeast quarter of section 27, and Southeast quarter of the Southwest

quarter of Section 22, Tp. 7 North of Range 5 East,
Boise Meridian.

Plaintiff's Exhibit No. 34B.

Testimony of Margaret Pearson, on final proof,
dated February 21st, 1902.

Plaintiff's Exhibit No. 34C.

ANSWERS Given by Margaret Pearson to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. Yes.

Answer to Ques. 17: From my father's estate,
about 5 years ago.

Answer to Ques. 18: No, I have kept it at home.

Plaintiff's Exhibit No. 34D.

Receiver's Receipt No. 1879, June 19th, 1902.

Plaintiff's Exhibit No. 34E.

Final Certificate No. 1879, June 19th, 1902.

Plaintiff's Exhibit No. 34F.

Patent to Margaret Pearson, dated Jan. 28, 1904,
for the land described in Exhibit No. 34A.

Plaintiff's Exhibit No. 34G.

Deed from Margaret Pearson and William Pearson, to A. E. Palmer, dated March 23, 1903; consideration \$1,800; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits 34A and 37A.

Plaintiff's Exhibits Nos. 35A to 35F.

Plaintiff's Exhibit No. 35A.

LEONORA HOLLISTER: Residence, Boise,
Idaho.

Sworn Statement No. 252, dated and filed October, 25th, 1901, for entry of North One-half of the Northeast quarter Southwest quarter of the Northeast quarter, Section 18, Tp. 7 North of range 5 East, Boise, Meridian.

Plaintiff's Exhibit No. 35B.

Testimony of Leonora Hollister on final proof, dated January 21st, 1902.

Plaintiff's Exhibit No. 35C.

ANSWERS given by Leonora Hollister to questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: I did; I do.

Answer to Ques. 17: Part of it we have had, and part I received from my husband, recently; six months probably.

Answer to Ques. 18: I haven't personally, my husband does business with the Capital State Bank of Boise.

Plaintiff's Exhibit No. 35D.

Receiver's Receipt No. 1973, dated July 25th, 1902.

Plaintiff's Exhibit No. 35E.

Final Certificate No. 1973, dated July 25th, 1902.

Plaintiff's Exhibit No. 35F.

Patent dated February 1st, 1904, to Leonora Hollister, for land described in Exhibit No. 35A.

Plaintiff's Exhibits Nos. 36A to 36M.

Plaintiff's Exhibit No. 36A.

WILLIS C. LANE: Residence, Boise, Idaho; occupation, livery business.

Sworn Statement No. 339, dated and filed March 25th, 1902, for entry of Northwest quarter of Section 28, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 36B.

ANSWERS given by Willis C. Lane, to questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir, every bean. Yes, sir.

Answer to Ques. 17: From my business operations. For several years.

Answer to Ques. 18: Yes, sir. Bank of Commerce, Boise.

Plaintiff's Exhibit No. 36C.

Testimony of Willis C. Lane, at final proof, dated June 18, 1902.

Plaintiff's Exhibit No. 36D.

Final Certificate No. 1872, dated June 18th, 1902.

Plaintiff's Exhibit No. 36E.

Receiver's Receipt No. 1872, dated June 18th, 1902.

Plaintiff's Exhibit No. 36F.

Deed from Willis C. Lane to A. E. Palmer, dated April 20th, 1903; consideration \$1,500.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, October 5th, 1903. Conveys land described in Exhibit No. 36A.

Plaintiff's Exhibit No. 36G.

Affidavit of Publication.

Plaintiff's Exhibit No. 36H.

Cross-examination of witness, Wm. Judge, on final proof.

Plaintiff's Exhibit No. 36I.

Testimony of witness Wm. Judge on final proof.

Plaintiff's Exhibit No. 36J.

Cross-examination of witness, George G. Gibson, at final proof.

Plaintiff's Exhibit No. 36K.

Testimony of witness, George G. Gibson, at final proof.

Plaintiff's Exhibit No. 36L.

Notice for Publication; witnesses, for final proof, Wm. Judge, George G. Gibson, S. Hoover, W. F. Noble.

Plaintiff's Exhibit No. 36M.

Non-mineral Affidavit.

Plaintiff's Exhibits Nos. 37A to 37N.

Plaintiff's Exhibit No. 37A.

WILLIAM PEARSON: Residence, Boise, Idaho; occupation, painter.

Sworn Statement, No. 276, dated and filed Nov. 26th, 1901, for entry of Northeast Quarter of Section 12, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 37B.

Testimony of William Pearson, at final proof, dated February 13, 1902. .

Plaintiff's Exhibit No. 37C.

ANSWERS Given by William Pearson to Questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I brought most of it from the old country with me—about \$300.00. I have saved the rest since coming.

Answer to Ques. 18: No. I had an experience with a bank once—lost my money—and I don't want anything to do with a bank. I keep my money in my own possession.

Plaintiff's Exhibit No. 37D.

Receiver's Receipt No. 1886, June 23d, 1902.

Plaintiff's Exhibit No. 37E.

Final Certificate No. 1886, dated June 23d, 1902.

Plaintiff's Exhibit No. 37F.

Patent to William Pearson, dated January 28th, 1904, for the land described in Exhibit No. 37A.

Plaintiff's Exhibit No. 37G.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 37H.

Cross-examination of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 37I.

Notice for Publication, of Margaret Pearson, witnesses for final proof, John I. Wells, Samuel Greig, Patrick H. Downs, Charles Nelson.

Plaintiff's Exhibit No. 37J.

Notice for Publication of William Pearson; witnesses for final proof, Patrick H. Downs, Lewis K. Burns, Charles Nelson and John I. Wells.

Plaintiff's Exhibit No. 37K.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 37L.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 37M.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 37N.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibits Nos. 38A to 38L.

Plaintiff's Exhibit No. 38A.

CHARLES S. KINGSLEY: Residence, Boise, Idaho; occupation, attorney at law.

Sworn Statement No. —, dated and filed September 11th, 1902, for entry of Southwest quarter of Section 14, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 38B.

Testimony of Charles S. Kingsley on final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 38C.

ANSWERS Given by Charles S. Kingsley to Questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my profession. At this particular time, my a/c was short this amount, and I borrowed from the Boise City Natl. Bank on my personal credit.

Answer to Ques. 18: Yes, Boise City National Bank.

Plaintiff's Exhibit No. 38D.

Testimony of witness, Fannie R. Hart, at final proof.

Plaintiff's Exhibit No. 38E.

Testimony of witness, Irving W. Hart, at final proof.

Plaintiff's Exhibit No. 38F.

Affidavit of Publication.

Plaintiff's Exhibit No. 38G.

Notice for Publication; final proof witnesses, Irving W. Hart, and Fannie Hart, Edward H. Starn, Mary Starn.

Plaintiff's Exhibit No. 38H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 38 I.

Affidavit of Charles S. Kingsley, correcting name of Claimant.

Plaintiff's Exhibit No. 38J.

Receiver's Receipt No. 2234, December 22d, 1902.

Plaintiff's Exhibit No. 38K.

Final Certificate No. 2234, December 22d, 1902.

Plaintiff's Exhibit No. 38L.

Deed from Charles S. Kingsley, and Caro F. B. Kingsley to Horace S. Rand; consideration \$1,600.00 (dated March 12th, 1903); acknowledged before John L. Niday, Notary Public, conveying tract described in Exhibits 38A and 39A.

Plaintiff's Exhibits Nos. 39A to 39K.

Plaintiff's Exhibit No. 39A.

CARO F. B. KINGSLEY, Boise, Idaho.

Sworn Statement No. ———, dated and filed September 11th, 1902, for entry of Northwest quarter of Section 14, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 39B.

Testimony of Caro F. B. Kingsley, on final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 39C.

ANSWERS Given by Caro F. B. Kingsley, on Cross-examination at final proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Inheritance. Several years.

Answer to Ques. 18: No. In my own possession.

Plaintiff's Exhibit No. 39D.

Testimony of witness, Irving W. Hart, at final proof.

Plaintiff's Exhibit No. 39E.

Testimony of witness, Fannie W. Hart, on final proof.

Plaintiff's Exhibit No. 39F.

Missing.

Plaintiff's Exhibit No. 39G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 39H.

Notice for Publication; final proof witnesses, Irving W. Hart, Fannie P. Hart, Edward H. Starn and Mary Starn.

Plaintiff's Exhibit No. 39 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 39J.

Receiver's Receipt No. 2235, December 22, 1902.

Plaintiff's Exhibit No. 39K.

Final Certificate No. 2235, dated December 22, 1902.

Plaintiff's Exhibits Nos. 40A to 40N.**Plaintiff's Exhibit No. 40A.**

LOLA T. THURMAN: Residence, Boise, Idaho.
Sworn Statement No. 343, dated and filed March 26th, 1902, for entry of Southwest quarter of Section 20 Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 40B.

Testimony of Lola T. Thurman, at final proof, dated June 19th, 1902.

Plaintiff's Exhibit No. 40C.

ANSWERS Given by Lola T. Thurman to questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: My husband gave it to me, today. He got this money from his labor, to my personal knowledge.

Answer to Ques. 18: No, sir. My husband doesn't

keep a bank account. He keeps it in his own possession.

Plaintiff's Exhibit No. 40D.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 40E.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 40F.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 40G.

Notice for publication; witnesses for final proof, Adelia Brookhart, Frank Brookhart, P. H. Downs, J. I. Wells.

Plaintiff's Exhibit No. 40H.

Receiver's Receipt No. 1876, dated June 19th, 1902.

Plaintiff's Exhibit No. 40 I.

Final Certificate No. 1876, dated June 19th 1902.

Plaintiff's Exhibit No. 40J.

Deed from Lola Thurman and Frederick Thurman to A. E. Palmer, dated July 5th, 1902; consideration, \$2,000; acknowledged before L. M. Pritchard, Notary Public, for land described in 40A and 41A, Exhibits.

Plaintiff's Exhibit No. 40K.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 40L.

Affidavit of Publication.

Plaintiff's Exhibit No. 40M.

Cross-examination of witness, Adelia C. Brookhart, at final proof.

Plaintiff's Exhibit No. 40N.

Testimony of witness, Adelia C. Brookhart, at final proof.

Plaintiff's Exhibits Nos. 41A to 41J.**Plaintiff's Exhibit No. 41A.**

FREDERICK THURMAN, Boise, Idaho; occupation, farmer.

Sworn Statement No. 342, dated and filed, March 26, 1902, for entry of Northeast Quarter of Section 20, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 41B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 41C.

Notice for Publication; final proof witnesses, Adella Brookhart, Patrick H. Downs, Frank Brookhart, and John I. Wells.

Plaintiff's Exhibit No. 41D.

ANSWERS Given by Frederic Thurman to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. Yes, sir.

Answer to Ques. 17: I had \$750.00 about, when I filed, maybe more. Have saved \$125.00 net since filing, at different jobs of work. I borrowed \$100.00 about 3 months ago of the Bank of Commerce.

Answer to Ques. 18: No, sir. Keep my money at home.

Plaintiff's Exhibit No. 41E.

Cross-examination of Frederic Thurman, in connection with Direct Examination by L. L. Sharp.

“Question 1. Are you an actual bona fide citizen of this State? Yes.

Question 2. Are you married or single? Married.

Question 3. Where did you reside prior to becoming a resident of this State, and what was your occupation? Always lived here. Farmer and mining.”

“Question 4. How long have you been an actual resident of this State, and where have you lived during all of this time? 29 years. Boise Valley. Ada County, Idaho.

Question 5. What has been your occupation during the past year, and where and by whom have you been employed, and at what compensation? Worked in the mine for Pittsburg Mining Co. 1 Mo. \$2.00 per day; Lew Johnson, \$2.50 per day 1 Mo., balance of time farming for self.

Question 6. How did you first learn about this particular tract of land, and that it would be a good investment to buy it? From Arthur Brookhart and John I. Wells, of Boise, Idaho.

Question 7. Did you pay or agree to *say* anything for this information? If so, to whom, and the amount. I paid John I. Wells, Boise, Idaho, \$25.00 to locate me on the land.

Question 8. Have you made a personal examination of each smallest subdivision of said land? If so,

state when and under what circumstances and with whom? Yes, with Patrick Downs.

Question 9. How did you identify said land? Describe it fully. I found the corners, and run out the lines.

Question 10. How many thousand feet, board measure, of lumber did you estimate that there is on this entire tract, and what is the stumpage value of same? Never made an estimate, but know there is several thousand feet.

Question 11. Are you a practical lumberman or woodsman? If not, how did you arrive at your estimate of the quantity and value of the lumber on the land? I am not a practical woodsman, and have made no estimate of amount of timber.

Question 12. What do you expect to do with this land and the lumber on it when you get title to it? I expect to use it for my own benefit.

Question 13. Do you know of any capitalist or company which is offering to purchase timber land in the vicinity of this entry? If so, who are they, and how did you know of them? I do not know of any such company.

Question 14. Has any person offered to purchase this land after you acquire title? If so, who, and for what amount? No.

Question 15. Where is the nearest and best market for the timber on this land at the present time? Idaho City, Idaho, is the nearest and best market.

Question 16. Did you pay, out of your own individual funds, all the expenses in connection with making this filing, and do you expect to pay for the

land with your own money? Yes, sir.

Question 17. Where did you get the money with which to pay for this land, and how long have you had same in your actual possession? I made this money out of labor, livestock trading and farming. Never kept in bank, had the money about 3 months.

Question 18. Have you kept a bank account during the past six months, and if so, where? No, but when I needed money, I borrowed from Commercial National Bank, Boise, Idaho."

Plaintiff's Exhibit No. 41F.

Testimony of Frederic Thurman, on final proof, dated June 19, 1902.

Plaintiff's Exhibit No. 41G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 41H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 41 I.

Receiver's Receipt No. 1877, dated June 19th, 1902.

Plaintiff's Exhibit No. 41J.

Final Certificate No. 1877, dated June 19th, 1902.

Plaintiff's Exhibits Nos. 42A to 42H.

Plaintiff's Exhibit No. 42A.

GEORGE T. ELLIS: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 611, dated and filed September 19th, 1902, for entry of Southeast quarter of Sec-

tion 12, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 42B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 42C.

Notice for Publication; witnesses for final proof, Henry Bayhouse, Albert Bayhouse, James F. Belk, Patrick H. Downs.

Plaintiff's Exhibit No. 42D.

Testimony of George T. Ellis, at final proof, dated January 22d, 1903.

Plaintiff's Exhibit No. 42E.

ANSWERS Given by George T. Ellis, to Questions 16, 17 and 18, on Cross-examination, at final proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned part of it from farm, and borrowed \$250. from Capital State Bank, my own personal note.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 42F.

Receiver's Receipt No. 2274, dated January 22, 1903.

Plaintiff's Exhibit No. 42G.

Final Certificate No. 2274, dated January 22, 1903.

Plaintiff's Exhibit No. 42H.

Deed from George T. Ellis to Horace S. Rand, dated February 13th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Pub-

lic; filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 42A.

Plaintiff's Exhibits Nos. 43A to 43N.

Plaintiff's Exhibit No. 43A.

EMERSON S. SENSENIG: Occupation, traveling salesman; residence, Boise, Idaho.

Sworn statement No. ———, dated and filed September 19th, 1902, for entry of South half of the Southeast quarter, Northeast quarter of the southeast quarter, and Southeast quarter of Northeast quarter, Section 26, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 43B.

Testimony of Emerson S. Sensenig, on final proof, dated January 21st, 1903.

Plaintiff's Exhibit No. 43C.

Cross-examination of witness, Jacob V. Nusbaum, on final proof.

Plaintiff's Exhibit No. 43D.

Testimony of witness, Jacob V. Nusbaum, on final proof.

Plaintiff's Exhibit No. 43E.

Cross-examination of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 43F.

Testimony of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 43G.

Affidavit of Publication.

Plaintiff's Exhibit No. 43H.

Notice for Publication; witnesses for final proof, Jacob V. Nusbaum, Harry K. Eagleson, Benjamin C. Eagleson, Charles H. Eagleson.

Plaintiff's Exhibit No. 43I.

Affidavit of Publication.

Plaintiff's Exhibit No. 43J.

ANSWERS Given by Emerson S. Sensenig, to Questions 16, 17 and 18, on Cross-examination at final proof.

Answer to Ques. 16: I did, and I expect to pay for the land with my own money.

Answer to Ques. 17: I have had this amount on deposit about 60 days.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 43K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 43L.

Receiver's Receipt No. 2271, dated January 21, 1903.

Plaintiff's Exhibit No. 43M.

Final Certificate No. 2271, dated January 21, 1903.

Plaintiff's Exhibit No. 43N.

Deed from Emerson S. Sensenig and Lucretia C. Sensenig, husband and wife, to Horace S. Rand; consideration, \$1600.00; dated February 16th, 1903; acknowledged before L. M. Pritchard, Notary Public. Conveying land described in Exhibit 43A, and

Exhibit 44A, filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibits Nos. 44A to 44L.

Plaintiff's Exhibit No. 44A.

LUCRETIA C. SENSENIG.

Sworn Statement No. 666, dated and filed Oct. 7th, 1902, for entry of Southwest Quarter of Section 23, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 44B.

Notice for Publication; witnesses for final proof, Harry K. Eagleson, Jacob V. Nusbaum, John I. Wells, and Patrick H. Downs.

Plaintiff's Exhibit No. 44C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 44D.

Testimony of Lucretia C. Sensenig, on final proof, dated February 13th, 1903.

Plaintiff's Exhibit No. 44E.

ANSWERS Given by Lucretia C. Sensenig, to Questions 16, 17 and 18, at final proof, on Cross-examination.

Answer to Ques. 16: I did, and I do.

Answer to Question 17: My husband gave it to me. Have had it since yesterday.

Answer to Ques. 18: My husband has at Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 44F.

Testimony of witness, Jacob V. Nusbaum.

Plaintiff's Exhibit No. 44G.

Cross-examination of Harry K. Eagleson, witness, on final proof.

Plaintiff's Exhibit No. 44H.

Testimony of witness, Harry K. Eagleson.

Plaintiff's Exhibit No. 44I.

Non-alienation Affidavit, Lucretia C. Sensenig, dated Feb. 13, 1903.

Plaintiff's Exhibit No. 44J.

Affidavit of Publication.

Plaintiff's Exhibit No. 44K.

Final Certificate No. 2304, dated February 13th, 1903.

Plaintiff's Exhibit No. 44L.

Receiver's Receipt No. 2304, dated February 13th, 1903.

Plaintiff's Exhibits Nos. 45A to 45M.**Plaintiff's Exhibit No. 45A.**

WALTER L. HARRISON: Residence, Boise, Idaho; occupation, carpenter.

Sworn Statement No. 274, dated and filed Nov. 26th, 1901, for entry of Lot 3, and Northeast quarter of Southwest quarter, and Northwest quarter of Southeast quarter, and Southwest quarter of Northeast quarter of Section 30, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 45B.

Testimony of Walter L. Harrison, on final proof, dated Feb. 12th, 1902.

Plaintiff's Exhibit No. 45C.

ANSWERS Given by Walter L. Harrison to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: I earned it. I sold a mine in Colorado about 3 years ago. I have had that much money for a number of years, over 3 years, at least.

Answer to Ques. 18: I have. In the Bank of Commerce, Boise.

Plaintiff's Exhibit No. 45D.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 45E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 45F.

Cross-examination of witness, William Pearson on final proof.

Plaintiff's Exhibit No. 45G.

Testimony of witness, William Pearson, on final proof.

Plaintiff's Exhibit No. 45H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 45I.

Notice for Publication; witnesses for final proof, William Pearson, Patrick H. Downs, Dean West, Charles Nelson.

Plaintiff's Exhibit No. 45J.

Missing.

Plaintiff's Exhibit No. 45K.

Receiver's Receipt No. 2063, dated Sept. 5th, 1902.

Plaintiff's Exhibit No. 45L.

Final Certificate No. 2063, dated Sept. 5th, 1902.

Plaintiff's Exhibit No. 45M.

Deed from Walter L. Harrison to A. E. Palmer, dated Sept. 12th, 1902; consideration, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, February 29th, 1904. Conveys land described in Exhibit No. 45A.

Plaintiff's Exhibits Nos. 46A to 46K.**Plaintiff's Exhibit No. 46A.**

EDWARD H. STARN: Residence, Boise, Idaho; occupation, stockraiser.

Sworn Statement No. 557, dated and filed Sept. 6th, 1902, for entry of Northwest quarter of Section 10, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 46B.

Testimony of Edward H. Starn on final proof, dated December 18, 1902.

Plaintiff's Exhibit No. 46C.

ANSWERS of Edward H. Starn to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Question 17: I sold a ranch 2 years ago, and have had the money since that time.

Answer to Ques. 18: Not since June, 1902. Prior to that with Capital State Bank, Boise. During past six months, I have held certificate of deposit for cash deposited with Bank of Commerce, Boise.

Plaintiff's Exhibit No. 46D.

Testimony of Patrick H. Downs, witness, on final proof.

Plaintiff's Exhibit No. 46E.

Testimony of witness, Aaron Owenby, on final proof.

Plaintiff's Exhibit No. 46F.

Notice for Publication; witnesses on final proof, Aaron Owenby, P. H. Downs, Charles S. Kingsley, Mrs. Mary Starn.

Plaintiff's Exhibit No. 46G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 46H.

Affidavit of Publication.

Plaintiff's Exhibit No. 46I.

Receiver's Receipt No. 221, dated December 18th, 1902.

Plaintiff's Exhibit No. 46J.

Final Certificate No. 2221, dated Dec. 18th, 1902.

Plaintiff's Exhibit No. 46K.

Deed from Edward H. Starn and Mary Starn, to Horace S. Rand, dated February 18th, 1903; consideration \$1600; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, June 23d, 1904, including land described in Exhibits 46A-48A.

Plaintiff's Exhibits Nos. 47A to 47H.**Plaintiff's Exhibit No. 47A.**

ELIZABETH SCHMELZEL: Residence, Boise, Idaho.

Sworn Statement, No. ———, dated and filed October 3d, 1902, for entry of Southeast quarter of Section 27, Township 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 47B.

Testimony of Elizabeth Schmelzel, on final proof, dated February 16, 1903.

Plaintiff's Exhibit No. 47C.

ANSWERS Given by Elizabeth Schmelzel, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: My husband gave it to me; one day.

Answer to Ques. 18: My husband has. First National Bank.

Plaintiff's Exhibit No. 47D.

Notice for Publication; witnesses for final proof, Joseph Sullivan, Helen Sullivan, C. R. Beckley, Mantie Beckley.

Plaintiff's Exhibit No. 47E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 47F.

Receiver's Receipt, No. 2306, dated February 16th, 1903.

Plaintiff's Exhibit No. 47G.

Final Certificate No. 2306, dated February 16th, 1903.

Plaintiff's Exhibit No. 47H.

Deed from Henry A. Schmelzel and Elizabeth Schmelzel to Horace S. Rand, dated February 25th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Public, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 47A.

Plaintiff's Exhibits Nos. 48A to 48K.

Plaintiff's Exhibit No. 48A.

Mrs. MARY STARN: Residence, Boise, Idaho.

Sworn Statement, No. 559, dated and filed Sept. 6th, 1902, for entry of Southeast quarter, Section 10, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 48B.

Testimony of Mary Starn, on final proof, dated December 18, 1902.

Plaintiff's Exhibit No. 48C.

ANSWERS Given by Mary Starn to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: My husband gave me the money last fall.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 48D.

Testimony of witness, Aaron W. Ownbey, on final proof.

Plaintiff's Exhibit No. 48E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 48F.

Missing.

Plaintiff's Exhibit No. 48G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 48H.

Notice for Publication; witness on final proof, Aaron Ownbey, P. H. Downs, Charles Kingsley, and Edward H. Starn.

Plaintiff's Exhibit No. 48I.

Affidavit of Publication.

Plaintiff's Exhibit No. 48J.

Receiver's Receipt No. 2222, dated December 18th, 1902.

Plaintiff's Exhibit No. 48K.

Final Certificate No. 2222, dated December 18th, 1902.

Plaintiff's Exhibits Nos. 49A to 49O.**Plaintiff's Exhibit No. 49A.**

ARIETTA H. STAHL: Residence, Boise, Idaho.
Sworn Statement No. 635, filed and dated September 29th, 1902, for entry of Lots 3 and 4, and the East Half of the Southwest Quarter of Section 7, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 49B.

Testimony of Arietta H. Stahl, at final proof, dated March 17th, 1903.

Plaintiff's Exhibit No. 49C.

ANSWERS Given by Arietta H. Stahl to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have had this money in my possession for 30 years. Prior to marriage.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 49D.

AFFIDAVIT OF ARIETTA H. STAHL.

"ARIETTA H. STAHL, being duly sworn, testifies as follows:

Q. Who spoke first to you relative to making timber locations in this section, Mrs. Stahl?

A. We learned of it through some of our neighbors who were locating on timber lands, Mr. Stearn.

Q. What did he tell you about it?

A. Not anything except that he had made a location and asked us if we had ever used our rights. We told him no, and we thought as we were going for a little trip we would do that.

Q. Who did you see about locating you on timber land?

A. Mr. Downs. He was the locator that we saw up there.

Q. Where did you first meet him?

A. We saw him first in the neighborhood of the claims. At Kempner's Ranch.

Q. Who was in the party?

A. Mr. and Mrs. Martin, Mr. Stahl and myself.

Q. Did you pay Mr. Downs, personally, for locating you?

A. I gave Mr. Stahl the money and he paid Mr. Downs.

Q. You saw no one prior to going up there except this neighbor you spoke of? A. That is all.

Q. You did not see John I. Wells?

A. I do not know him.

Q. Did you see Mr. John Kinkaid?

A. No, sir.

Q. Did you see either of them after you came back? A. No, sir.

Q. Who made out your application papers?

A. They were made out in this office.

Q. You brought your application papers already filled out, didn't you?

A. We first went to Mr. Worthman. I think perhaps he filled them out.

Q. In what building were they made out?

A. I do not know.

Q. You say you have had this money in your possession for 30 years. Have you kept this in a bank all of this time?

A. We have always had money there.

Q. You kept a common account, you and your husband? A. Yes, sir.

ARIETTA H. STAHL.

Subscribed and sworn to before me this 17th day of March, 1903.

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 49E.

Missing.

Plaintiff's Exhibit No. 49F.

Testimony of witness, William H. Martin, at final proof.

Plaintiff's Exhibit No. 49G.

Cross-examination of witness, William H. Martin, on final proof.

Plaintiff's Exhibit No. 49H.

Cross-examination of Henrietta B. Martin, witness, on final proof.

Plaintiff's Exhibit No. 49I.

Testimony of Henrietta B. Martin, witness, on final proof.

Plaintiff's Exhibit No. 49J.

Notice for Publication; witnesses on final proof, William H. Martin, Benjamin F. Stahl, Patrick H. Downs, and Henrietta B. Martin.

Plaintiff's Exhibit No. 49K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 49L.

Affidavit of Publication.

Plaintiff's Exhibit No. 49M.

Receiver's Receipt No. 2344, dated March 17, 1903.

Plaintiff's Exhibit No. 49N.

Final Certificate No. 2344, dated March 17th, 1903.

Plaintiff's Exhibit No. 49O.

Deed from Arietta H. Stahl and Benjamin F. Stahl to Horace S. Rand, dated March 25th, 1903;

consideration, \$2,000; acknowledged before J. M. Haines, conveying land described in 49A and 50A, exhibits. Filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibits Nos. 50A to 50M.

Plaintiff's Exhibit No. 50A.

BENJAMIN E. STAHL; occupation, miner; Residence, Boise, Idaho.

Sworn Statement No. 634, dated and filed Sept. 29th, 1902, for entry of Southwest quarter of Section 8, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 50B.

Testimony of Benjamin E. Stahl, on final proof, dated March 17, 1903.

Plaintiff's Exhibit No. 50C.

Affidavit of Benjamin E. Stahl.

Plaintiff's Exhibit No. 50D.

ANSWERS Given by Benjamin E. Stahl to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money mining. Have had same several years.

Answer to Ques. 18: Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 50E.

Testimony of witness, Henrietta B. Martin, on final proof.

Plaintiff's Exhibit No. 50F.

Cross-examination of witness, Henrietta B. Martin, on final proof.

Plaintiff's Exhibit No. 50G.

Testimony of witness, William H. Martin, on final proof.

Plaintiff's Exhibit No. 50H.

Cross-examination of witness, William H. Martin, on final proof.

Plaintiff's Exhibit No. 50I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 50J.

Notice for Publication; witnesses for final proof: William H. Martin, Arietta H. Stahl, Henrietta B. Martin and Patrick H. Downs.

Plaintiff's Exhibit No. 50K.

Affidavit of Publication.

Plaintiff's Exhibit No. 50L.

Receiver's Receipt No. 2345, March 17th, 1903.

Plaintiff's Exhibit No. 50M.

Final Certificate No. 2345, dated March 17th, 1903.

Plaintiff's Exhibits Nos. 51A to 51O.

Plaintiff's Exhibit No. 51A.

MRS. EMMA BILDERBACK: Residence, Boise, Idaho.

Sworn Statement No. 624, dated and filed Sept. 24, 1902, for entry of North One-half of the Southwest quarter Section 27, and North One-half of Southeast quarter, Section 28, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 51B.

Notice for Publication: Witnesses for final proof,

Frank Bayhouse, William F. Noble, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 51C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 51D.

Testimony of Mrs. Emma Bilderback on final proof, dated January 28, 1903.

Plaintiff's Exhibit No. 51E.

ANSWERS Given by Mrs. Emma Bilderback to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: I made it keeping roomers and boarders, several years.

Answer to Ques. 18: First Natl. Bank, Boise.

Plaintiff's Exhibit No. 51F.

Testimony of witness John I. Wells on final proof.

Plaintiff's Exhibit No. 51G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 51H.

Receiver's Receipt No. 2283, dated Jan. 28th 1903.

Plaintiff's Exhibit No. 51I.

Final Certificate No. 2283, dated Jan. 28th, 1903.

Plaintiff's Exhibit No. 51J.

Deed from Mrs. Emma Bilderback, and George Bilderback to Horace S. Rand, dated February 12th, 1903; consideration \$800.00; filed at the request of W. E. Borah on the 23d of June, 190—, acknowledged before L. M. Pritchard, Notary Public. Conveys land described in Exhibit 51A.

Plaintiff's Exhibit No. 51K.

Cross-examination of witness, William F. Noble,
at final proof.

Plaintiff's Exhibit No. 51L.

Testimony of witness, William F. Noble, at final
proof.

Plaintiff's Exhibit No. 51M.

Missing.

Plaintiff's Exhibit No. 51N.

Affidavit of Publication.

Plaintiff's Exhibit No. 51 O.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 52A to 52N.

Plaintiff's Exhibit No. 52A.

PEARL I. NUSBAUM: Residence, Boise, Idaho.
Sworn Statement, No. 655, dated and filed October
7th, 1902, for entry of Southeast Quarter of Section
22, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 52B.

Testimony of witness, Patrick H. Downs, on final
proof.

Plaintiff's Exhibit No. 52C.

Cross-examination of witness, Patrick H. Downs,
on final proof.

Plaintiff's Exhibit No. 52D.

Testimony of Pearl I. Nusbaum, on final proof,
dated February 14, 1903.

Plaintiff's Exhibit No. 52E.

ANSWERS Given by Pearl I. Nusbaum, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My husband gave it to me. Have had it several months.

Answer to Ques. 18: My husband has, in Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 52F.

Receiver's Receipt, No. 2305, dated February 14th, 1903.

Plaintiff's Exhibit No. 52G.

Final Certificate No. 2305, dated February 14th, 1903.

Plaintiff's Exhibit No. 52H.

Deed from Pearl I. Nusbaum and Jacob V. Nusbaum, to Horace S. Rand, dated February 16th, 1903; consideration, \$1600; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits 52A and 53A, filed for record at the request of W. E. Borah, June 23d, 1904.

Plaintiff's Exhibit No. 52I.

Affidavit of Publication.

Plaintiff's Exhibit No. 52J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 52K.

Missing.

Plaintiff's Exhibit No. 52L.

Cross-examination of witness, Harry K. Eagleson, on final proof.

Plaintiff's Exhibit No. 52M.

Testimony of witness, Harry K. Eagleson, on final proof.

Plaintiff's Exhibit No. 52N.

Notice for Publication; witnesses for final proof, Harry K. Eagleson, George Butler, Patrick H. Downs, John I. Wells.

Plaintiff's Exhibits Nos. 53A to 53L.

Plaintiff's Exhibit No. 53A.

JACOB V. NUSBAUM: Residence, Boise, Idaho; Grocer.

Sworn Statement No. —, dated and filed Sept. 19th, 1902, for entry of South One-half of Northeast Quarter Northwest Quarter of Southeast Quarter, and Northeast Quarter of Southwest Quarter, Section 24, Tp. 7 North of Range 8 E., Boise Meridian.

Plaintiff's Exhibit No. 53B.

Notice for Publication; witnesses for final proof, Emerson S. Sensenig, Harry K. Eagleson, Benjamin C. Eagleson, Charles S. Eagleson.

Plaintiff's Exhibit No. 53C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 53D.

Testimony of Jacob V. Nusbaum, on final proof, dated January 21st, 1903.

Plaintiff's Exhibit No. 53E.

ANSWERS Given by Jacob V. Nusbaum, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: It is my own personal earnings. On deposit about 2 mo.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 53F.

Receiver's Receipt No. 2272, dated January 21, 1903.

Plaintiff's Exhibit No. 53G.

Final Certificate No. 2272, dated January 21, 1903.

Plaintiff's Exhibit No. 53H.

Cross-examination of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 53I.

Testimony of witness, Benjamin C. Eagleson, on final proof.

Plaintiff's Exhibit No. 53J.

Cross-examination of witness, Emerson S. Sensenig, on final proof.

Plaintiff's Exhibit No. 53K.

Testimony of witness Emerson S. Sensenig, on final proof.

Plaintiff's Exhibit No. 53L.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 54A to 54K.

Plaintiff's Exhibit No. 54A.

JOHN A. YOUNGKIN: Residence, Boise, Ida.; occupation, freighter.

Sworn statement No. —, dated and filed August 29th, 1902, for entry of Northeast Quarter of Section 12, Tp. 7 North of Range 7 East of Boise Meridian.

Plaintiff's Exhibit No. 54B.

Notice for publication; witnesses on final proof, William H. Gibberd, Elof Anderson, John I. Wells, and Emma M. Anderson.

Plaintiff's Exhibit No. 54C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 54D.

Testimony of John A. Youngkin, at final proof, dated December 3rd, 1902.

Plaintiff's Exhibit No. 54E.

ANSWERS Given by John A. Youngkin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Most of the money is what I have earned freighting. \$120.00 I have just borrowed to make up the balance. Have had part about 2 months, collected for freighting.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 54F.

Testimony of witness, Elof Anderson, at final proof.

Plaintiff's Exhibit No. 54G.

Testimony of witness, William H. Gibberd, at final proof.

Plaintiff's Exhibit No. 54H.

Receiver's receipt No. 2186, dated December 3rd, 1902.

Plaintiff's Exhibit No. 54I.

Final certificate No. 2186, dated December 3rd, 1902.

Plaintiff's Exhibit No. 54J.

Deed from John A. Youngkin to Horace S. Rand, dated February 12th, 1903; consideration \$800.00; acknowledged before W. S. Walker, notary public, and filed for record June 23d, 1904, at the request of Wm. E. Borah. Conveys land described in Exhibit No. 54A.

Plaintiff's Exhibit No. 54K.

Affidavit of publication.

Plaintiff's Exhibits Nos. 55A to 55H.**Plaintiff's Exhibit No. 55A.**

CAROLINE ALEXANDER: Residence, Boise, Idaho.

Sworn statement, 657, dated and filed Oct. 7th, 1902, for entry of East Half of the Northeast Quarter and North Half of the Southeast Quarter, Section 34, Tp. 7 North, Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 55B.

Notice for publication; witnesses for final proof, Jacob C. Nusbaum, George Butler, Patrick H. Downs, John I. Wells.

Plaintiff's Exhibit No. 55C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 55D.

Testimony of Caroline Alexander, on final proof, dated February 12, 1903.

Plaintiff's Exhibit No. 55E.

ANSWERS Given by Caroline Alexander to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. Yes.

Answer to Ques. 17: Income from investments. Several years.

Answer to Ques. 18: Capital State Bank, Boise.

Plaintiff's Exhibit No. 55F.

Receiver's receipt No. 2300, dated February 12th, 1903.

Plaintiff's Exhibit No. 55G.

Final certificate No. 2300, dated February 12th, 1903.

Plaintiff's Exhibit No. 55H.

Deed from Caroline Alexander to Horace S. Rand, dated Feb. 16th, 1903; consideration \$800; acknowledged before L. M. Pritchard, notary public; July 1st, 1904, filed for record at request of W. E. Borah; conveys land described in Exhibit No. 55A.

Plaintiff's Exhibits Nos. 56A to 56M.

Plaintiff's Exhibit No. 56A.

GEORGE BAYHOUSE: Residence, Boise, Idaho; occupation, merchant.

Sworn statement, No. 622, filed and dated Sept. 24th, 1902, for entry of Northeast Quarter of Section 28, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 56B.

Testimony of George Bayhouse, at final proof, dated March 13, 1903.

Plaintiff's Exhibit No. 56C.

ANSWERS Given by George Bayhouse, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it; one month.

Answer to Ques. 18: Yes. First National Bank, Boise, Idaho.

Plaintiff's Exhibit No. 56D.

Testimony of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 56E.

Cross-examination of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 56F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 56G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 56H.

Notice for publication; witnesses, Walter Joplin, George W. Butler, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 56I.

Non-mineral affidavit.

Plaintiff's Exhibit No. 56J.

Affidavit of publication.

Plaintiff's Exhibit No. 56K.

Receiver's receipt No. 2339, dated March 13th, 1903.

Plaintiff's Exhibit No. 56L.

Final certificate No. 2339, March 13, 1903.

Plaintiff's Exhibit No. 56M.

Deed from George Bayhouse to Horace S. Rand, dated March 24th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, notary public, and filed for record at the request of Wm. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 56A.

Plaintiff's Exhibits Nos. 57A to 57N.

Plaintiff's Exhibit No. 57A.

FRANK BAYHOUSE: Residence, Boise, Idaho; occupation, miner.

Sworn statement, No. 621, dated and filed Sept. 24th, 1902, filed for entry of North One-half of the Southeast Quarter and North Half of Southwest Quarter, Section 19, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 57B.

Notice for publication; final proof witnesses, Walter Joplin, George W. Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 57C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 57D.

Testimony of Frank Bayhouse, at final proof, dated February 5th, 1903.

Plaintiff's Exhibit No. 57E.

ANSWERS Given by Frank Bayhouse to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Have had part of it for 3 or 4 years, rest I earned working in the mines.

Answer to Ques. 18: No, my brother, Henry Bayhouse, does my banking for me.

Plaintiff's Exhibit No. 57F.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 57G.

Cross-examination of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 57H.

Receiver's receipt No. 2291, dated February 5th, 1903.

Plaintiff's Exhibit No. 57I.

Final certificate No. 2291, dated February 5th, 1903.

Plaintiff's Exhibit No. 57J.

Deed from Frank Bayhouse, to Horace S. Rand, dated February 17th, 1903; consideration \$800.00; acknowledged before L. M. Prichard, notary public, and filed for record at the request of W. E. Borah, July 1st 1904. Conveys land described in Exhibit 57A.

Plaintiff's Exhibit No. 57K.

Affidavit of publication.

Plaintiff's Exhibit No. 57L.

Cross-examination of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 57M.

Testimony of witness, George W. Butler, on final proof.

Plaintiff's Exhibit No. 57N.

Affidavit of Frank Bayhouse, in re postponement date of final proof.

Plaintiff's Exhibits Nos. 58A to 58J.

Plaintiff's Exhibit No. 58A.

JOHN G. McDONALD: Residence, Boise, Idaho; occupation, contractor and painter.

Sworn statement, No. 390, dated and filed May 14th, 1902, filed for entry of West One-half of North-east Quarter, Southeast Quarter of Northwest Quarter, Northeast Quarter of Southwest Quarter, Section 31, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 58B.

Non-mineral affidavit.

Plaintiff's Exhibit No. 58C.

Notice for publication; witnesses for final proof; Henry T. James, C. H. Arbuckle, Susan Arbuckle, and Patrick H. Downs.

Plaintiff's Exhibit No. 58D.

Testimony of John G. McDonald at final proof, dated August 7th, 1902.

Plaintiff's Exhibit No. 58E.

ANSWERS Given by George G. McDonald to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have earned most of it and borrowed \$150.00 from a friend to make up enough for the payment.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 58F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 58G.

Receiver's receipt, No. 2014, dated August 7th, 1902.

Plaintiff's Exhibit No. 58H.

Final certificate No. 2014, dated August 7th, 1902.

Plaintiff's Exhibit No. 58I.

Deed from John G. McDonald, to A. E. Palmer, dated August 9th, 1902; consideration \$1,000; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, June 27th, 1904. Conveys land described in Exhibit No. 58A.

Plaintiff's Exhibit No. 58J.

Testimony of witness, H. T. James, at final proof.

Plaintiff's Exhibits Nos. 59A to 59K.**Plaintiff's Exhibit No. 59A.**

LEWIS L. FOLSOM: Residence, Boise, Idaho; occupation, clerk.

Sworn Statement No. 257, dated and filed Oct. 30th, 1901, for entry of Northeast Quarter of Northwest

Quarter of Section 18, and Southeast Quarter of Northwest Quarter and East Half of Southwest Quarter of Sec. 7, Tp. 7 North, of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 59B.

Testimony of Lewis L. Folsom, at final proof, dated January 22nd, 1902.

Plaintiff's Exhibit No. 59C.

ANSWERS Given by Lewis L. Folsom, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. I do.

Answer to Ques. 17: I borrowed \$300.00 from Capital State Bank of Boise yesterday. The balance I have had probably a year. I secured the bank by my personal note.

Answer to Ques. 18: I have. The Capital State Bank, Boise.

Plaintiff's Exhibit No. 59D.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 59E.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 59F.

Receiver's receipt, No. 1974, dated July 25th, 1902.

Plaintiff's Exhibit No. 59G.

Final certificate No. 1974, dated July 25th, 1902.

Plaintiff's Exhibit No. 59H.

Cross-examination of witness, Wm. W. Abrams, on final proof.

Plaintiff's Exhibit No. 59I.

Testimony of witness, Wm. W. Abrams, on final proof.

Plaintiff's Exhibit No. 59J.

Patent to Lewis L. Folsom, dated February 1st, 1904, for land described in Exhibit No. 59A.

Plaintiff's Exhibit No. 59K.

Deed from Lewis L. Folsom to A. E. Palmer, dated June 23d, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, February 29th, 1904. Conveys land described in Exhibit No. 59A.

Plaintiff's Exhibits Nos. 60A to 60H.**Plaintiff's Exhibit No. 60A.**

SUSIE A. YOUNGKIN: Residence, Boise, Idaho.

Sworn Statement No. —, dated and filed Sept. 8th, 1902, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter, Section 2, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 60B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 60C.

Notice for Publication; witnesses for final proof, E. H. Starn, Aaron Ownbey, John A. Youngkin, Addie G. Gibberd.

Plaintiff's Exhibit No. 60—.

Notice for Re-publication; witnesses for final proof, Addie G. Gibberd, John A. Youngkin, Aaron Ownbey, Henrietta B. Martin.

Plaintiff's Exhibit No. 60D.

Testimony of Susie A. Youngkin, on final proof, dated March 24th, 1903.

Plaintiff's Exhibit No 60E.

ANSWERS Given by Susie A. Youngkin, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I have paid all expenses, and expect to pay for land with my own money, part of which I have to borrow to do so.

Answer to Ques. 17: I borrowed \$200.00 from Mr. Gibbard. I have had balance in my possession from 6 mo. to 2 years. I earned same by doing sewing and other work.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 60F.

Receiver's Receipt, No. 2358, dated March 24th, 1903.

Plaintiff's Exhibit No. 60G.

Final Certificate No. 2358, dated March 24th, 1903.

Plaintiff's Exhibit No. 60H.

Deed from Susie A. Youngkin, and John A. Youngkin, to Horace S. Rand, dated March 28th, 1903; consideration \$2500.00; acknowledged before John M. Haines, Notary Public, filed for record at the request of Wm. E. Borah, June 23d, 1904. Conveys land described in Exhibit No. 60A.

Plaintiff's Exhibits Nos. 61A to 61M.

Plaintiff's Exhibit No. 61A.

EDWARD J. PHELPS: Residence, Boise, Idaho; occupation, real estate agent.

Sworn Statement No. 1515, dated and filed March 6th, 1905, for entry of South One-half of the Southeast Quarter, Northeast Quarter of the Southeast Quarter, Southeast Quarter of the Northeast Quarter, Section 17, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 61B.

Testimony of Edward J. Phelps, at final proof, dated May 13, 1905.

Plaintiff's Exhibit No. 61C.

ANSWERS Given by Edward J. Phelps, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: From my savings. For many months.

Answer to Ques. 18: I have kept one at the Bank of Commerce, Boise, also at Capital State Bank, Boise.

Plaintiff's Exhibit No. 61D.

Cross-examination of witness, Harry Fisher, at final proof.

Plaintiff's Exhibit No. 61E.

Testimony of witness, Harry Fisher, at final proof.

Plaintiff's Exhibit No. 61F.

Cross-examination of witness, Thomas B. Martin, at final proof.

Plaintiff's Exhibit No. 61G.

Testimony of witness, Thomas B. Martin, at final proof.

Plaintiff's Exhibit No. 61H.

Notice for Publication; witnesses for final proof,
Harry Fisher, Thomas B. Martin, P. H. Downs,
Thomas L. Martin.

Plaintiff's Exhibit No. 61I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 61J.

Affidavit of Publication.

Plaintiff's Exhibit No. 61K.

Order of Register, continuing date of proof.

Plaintiff's Exhibit No. 61L.

Receiver's Receipt No. 3334, dated May 13, 1905.

Plaintiff's Exhibit No. 61M.

Final Certificate No. 3334, dated May 13th, 1905.

Plaintiff's Exhibits Nos. 62A to 62L.

Plaintiff's Exhibit No. 62A.

CHARLEY PATTERSON: Residence, Boise,
Idaho; occupation, clerk.

Sworn Statement, No. 347, dated and filed March
28th, 1902, for entry of Northwest quarter of Section
33, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 62B.

ANSWERS Given by Charley Patterson to Ques-
tions 16, 17 and 18, on Cross-examination at
Final Proof.

Answer to Ques. 16: Yes, sir, I did, and I do.

Answer to Ques. 17: I had \$120, and obtained a
check for \$300 this morning, from Fletcher Steen
Co. as an overdraft. I gave them no security.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 62C.

Testimony of Charley Patterson at final proof, dated June 24, 1902.

Plaintiff's Exhibit No. 62D.

Cross-examination of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 62E.

Testimony of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 62F.

Cross-examination of witness, Edward E. Butler, at final proof.

Plaintiff's Exhibit No. 62G.

Testimony of witness Edward E. Butler, at final proof.

Plaintiff's Exhibit No. 62H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 62I.

Notice for Publication; witnesses for final proof, E. E. Butler, Wm. H. Lewin, Smith Barker and John I. Wells.

Plaintiff's Exhibit No. 62J.

Final Certificate No. 1890, dated June 24, 1902.

Plaintiff's Exhibit No. 62K.

Receiver's Receipt No. 1890, dated June 24, 1902.

Plaintiff's Exhibit No. 62L.

Deed from Charley Patterson to A. E. Palmer dated March 27th, 1903; consideration, \$1,000; acknowledged before L. M. Pritchard, Notary Public,

filed Oct. 5th, 1903, at the request of Wm. E. Borah, for record. Conveys lands described in Exhibit 62A.

Plaintiff's Exhibits Nos. 63A to 63O.

Plaintiff's Exhibit No. 63B.

HARRY K. EAGLESON: Residence, Boise, Idaho; occupation, iceman.

Sworn Statement No. 606, dated and filed Sept. 19th, 1902, for entry of South One-half of the Northeast Quarter, and South Half of the Northwest Quarter Section 25, Tp. 7 North of Range 8 East.

Plaintiff's Exhibit No. 63A.

AFFIDAVIT OF HARRY K. EAGLESON, IN
RE POSTPONEMENT OF PROOF.

“UNITED STATES LAND OFFICE.

Boise, Idaho, January 29, 1903.

Harry K. Eagleson, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn statement #606 at this office on September 19, 1902, for the purchase of the S.1/2 NE.1/4 and S.1/2 NW.1/4, Sec. 25, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 20th day of January, 1903, that he did not offer proof on that date or until this date for the reason that he did not get a payment of \$1,000, which was due him from the sale of some land and had to borrow the money to make the payments for the tract above described.

HARRY K. EAGLESON.

Subscribed and sworn to before me this 29th day of January, 1903.

EDWARD E. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 63C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 63D.

Testimony of Harry K. Eagleson, at final proof, dated Jan. 29, 1903.

Plaintiff's Exhibit No. 63E.

ANSWERS of Harry K. Eagleson, to Questions, 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I paid for land with my own money, but borrow money to pay for land.

Answer to Ques. 17: Borrowed it from Capital State Bank, my brother and I signed a note. Tract not involved as security.

Answer to Ques. 18: Electric Ice Co. has a bank account, am a member of the firm.

Plaintiff's Exhibit No. 63F.

Notice for Publication; witnesses for final proof, Jacob B. Nusbaum, Emerson Sensenig, Benjamin C. Eagleson and Patrick H. Downs.

Plaintiff's Exhibit No. 63G.

Receiver's Receipt, No. 2289, dated January 29th, 1903.

Plaintiff's Exhibit No. 63H.

Final Certificate, No. 2289, dated January 29th, 1903.

Plaintiff's Exhibit No. 63I.

Deed from Harry K. Eagleson and Helen E. Eagleson dated February 16th, 1903, to Horace S.

Rand; consideration \$1600; acknowledged before L. M. Pritchard, Notary Public, and conveying land described in Exhibits 63B and 65A, filed for record at the request of W. E. Borah, June 23rd, 1904.

Plaintiff's Exhibit No. 63J.

Affidavit of Publication.

Plaintiff's Exhibit No. 63K.

Testimony of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 63L.

Cross-examination of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 63M.

Testimony of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 63N.

Cross-examination of witness, Jacob V. Nusbaum at final proof.

Plaintiff's Exhibit No. 63O.

Patent dated March 24th, 1904, to Harry K. Eagleson, for land described in Exhibit 63B.

Plaintiff's Exhibits Nos. 64A to 64O.

Plaintiff's Exhibit No. 64A.

ALFRED BAYHOUSE: Residence, Boise, Idaho; occupation, florist.

Sworn Statement, No. 585, dated and filed Sept. 15th, 1902, for entry of Southeast Quarter of Section 3, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 64B.

Testimony of Alfred Bayhouse, on final proof, dated January 19, 1903.

Plaintiff's Exhibit No. 64C.

ANSWERS Given by Alfred Bayhouse to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I earned it, and have had most of it about a year. I had all but about \$50.00, which I collected in the last few days.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 64D.

Testimony of witness, George T. Ellis, at final proof.

Plaintiff's Exhibit No. 64E.

Cross-examination of witness, George T. Ellis, at final proof.

Plaintiff's Exhibit No. 64F.

Testimony of witness, James F. Belk, at final proof.

Plaintiff's Exhibit No. 64G.

Cross-examination of witness, James F. Belk, at final proof.

Plaintiff's Exhibit No. 64H.

AFFIDAVIT OF ALFRED BAYHOUSE, IN RE
POSTPONEMENT OF FINAL PROOF.

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 19, 1903.

Alfred Bayhouse, being first duly sworn, deposes and says: That he is the identical person who made

timber and stone sworn statement #585 at this office on September 15, 1902, for the SE. $\frac{1}{4}$ of Sec. 3, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 9th day of January, 1903; that he did not appear to offer proof on said 9th day of January, or until this date, for the reason that he could not collect his money on said date.

ALFRED BAYHOUSE.

Subscribed and sworn to before me this 19th day of January, 1903.

EDWARD E. GARRETT.

Receiver."

Plaintiff's Exhibit No. 64I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 64J.

Notice for Publication; witnesses for final proof, Merritt L. Twogood, James F. Belk, George T. Ellis, Henry Bayhouse.

Plaintiff's Exhibit No. 64K.

Affidavit of Publication.

Plaintiff's Exhibit No. 64L.

Receiver's Receipt, No. 2270, dated January 19th, 1903.

Plaintiff's Exhibit No. 64M.

Final Certificate No. 2270, dated January 19th, 1903.

Plaintiff's Exhibit No. 64N.

Affidavit of Publication.

Plaintiff's Exhibit No. 64O.

Deed from Alfred Bayhouse to Horace S. Rand, dated February 12th, 1903; consideration, \$800.00;

acknowledged before L. M. Pritchard, Notary Public, and filed for record June 23rd, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 64A.

Plaintiff's Exhibits Nos. 65A to 65N.

Plaintiff's Exhibit No. 65A.

MRS. HELEN E. EAGLESON: Residence, Boise, Idaho.

Sworn Statement No. 654, dated and filed October 7th, 1902, for entry of South One-half of the Northwest Quarter Section 23, and South Half of the Northeast Quarter, Section 22, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 65B.

Notice for Publication; witnesses for final proof, Jacob B. Nusbaum, Walter Joplin, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 65C.

Testimony of Mrs. Helen E. Eagleson, at final proof, dated February 12, 1903.

Plaintiff's Exhibit No. 65D.

ANSWERS Given to Questions 16, 17 and 18, by Mrs. Helen E. Eagleson, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My husband gave it to me.

Answer to Ques. 18: No, but Mr. Eagleson has, and my money was with his.

Plaintiff's Exhibit No. 65E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 65F.

Receiver's Receipt No. 2301, dated February 12th, 1903.

Plaintiff's Exhibit No. 65G.

Final Certificate No. 2301, dated February 12th, 1903.

Plaintiff's Exhibit No. 65H.

Affidavit of Publication.

Plaintiff's Exhibit No. 65I.

Testimony of witness, Walter Joplin at final proof.

Plaintiff's Exhibit No. 65J.

Cross-examination of witness, Walter Joplin, at final proof.

Plaintiff's Exhibit No. 65K.

Testimony of witness Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 65L.

Affidavit of Publication.

Plaintiff's Exhibit No. 65M.

Cross-examination of Jacob C. Nusbaum, at final proof.

Plaintiff's Exhibit No. 65N.

NON-ALIENATION AFFIDAVIT.

"UNITED STATES LAND OFFICE,

Boise, Idaho, February 12, 1903.

Mrs. Helen E. Eagleson, being first duly sworn, deposes and says:—That she is the identical person who made timber and stone sworn statement #654 at this office on October 7, 1902, for the purchase of

the S. $\frac{1}{2}$ NW. $\frac{1}{4}$, sec. 23, and S. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 22, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 12th day of February, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

Mrs. HELEN E. EAGLESON.

Subscribed and sworn to before me this 12th day of February, 1903.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibits Nos. 66A to 66K.

Plaintiff's Exhibit No. 66A.

SUSAN N. ARBUCKLE: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 378, dated and filed May 3d, 1902, for entry of South One-half of the Southeast Quarter Northwest Quarter of the Southeast Quarter, and Southwest Quarter of Northeast Quarter, Section 19, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 66B.

Notice for Publication; witnesses for final proof, J. G. McDonald, H. T. James, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 66C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 66D.

Testimony of Susan N. Arbuckle, at final proof, dated July 24, 1902.

Plaintiff's Exhibit No. 66E.

ANSWERS Given by Susan N. Arbuckle, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money is my own, and was given me as a present from my husband, a short time ago, sometime about May 1, 1902.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 66F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 66G.

Receiver's Receipt, No. 1968, dated July 24th, 1902.

Plaintiff's Exhibit No. 66H.

Final Certificate, No. 1968, dated July 24th, 1902.

Plaintiff's Exhibit No. 66I.

Deed from Susan N. Arbuckle, and Charles H. Arbuckle, to A. E. Palmer, dated March 20th, 1903; consideration, \$1600; acknowledged before L. M.

Pritchard, conveying land described in Exhibits 66A and 67A, and filed for record July 10th, 1903, at the request of W. E. Borah.

Plaintiff's Exhibit No. 66J.

Testimony of witness, Henry T. James, at final proof of Charles H. Arbuckle.

Plaintiff's Exhibit No. 66K.

Testimony of witness, Henry T. James, at final proof of Susan N. Arbuckle.

Plaintiff's Exhibits Nos. 67A to 67H.

Plaintiff's Exhibit No. 67A.

CHARLES H. ARBUCKLE: Residence, Boise, Idaho; occupation, hotel-keeper.

Sworn Statement No. 376, dated and filed May 3d, 1902, for entry of Southwest Quarter of Northeast quarter, West One-half of Southeast Quarter, Section 27, and Northwest quarter of Northeast quarter, Section 34, Tp. 8 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 67B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 67C.

Notice for Publication; witnesses for final proof, J. G. McDonald, H. T. James, John I. Wells, and Patrick H. Downs.

Plaintiff's Exhibit No. 67D.

Testimony of Charles H. Arbuckle, at final proof, dated July 24, 1902.

Plaintiff's Exhibit No. 67E.

ANSWERS of Charles H. Arbuckle, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have been saving money for several years from my earnings. Most of it 2 years, and all for 1 year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 67F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 67G.

Receiver's Receipt No. 1967, dated July 24th, 1902.

Plaintiff's Exhibit No. 67H.

Final Certificate No. 1967, dated July 24th, 1902.

Plaintiff's Exhibits Nos. 68A to 68L.

NOTICES OF SUSPENSIONS.

Testimony of L. L. Sharp.

Plaintiff's Exhibit No. 68A.

NOTICE TO ABEL E. HUNTER.

**"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

Boise, Idaho, July 22, 1903.

Mr. Abel E. Hunter,
Centerville, Idaho.

Sir:—You are hereby notified that the Commissioner of the General Land Office, by letter dated June 8, 1903, has suspended your Timber and Stone

No. 227, for the SE. $\frac{1}{4}$, Section 14, Tp. 7 N., Range 5 E., Boise, Idaho, land district on charges contained in a report by a special agent.

The charges on which said T. & S. is suspended are summarized as follows:

John I. Wells of Boise, Idaho, was to pay all expenses in connection with the filing and proof, and afterward purchase the land; that applicant received of John I. Wells the money to pay the purchase price to the Government. That this applicant was to receive \$250, for his right of entry.

You will be allowed thirty days within which to file application in this office for a hearing, and your failure to apply for a hearing within the time specified will be taken as an admission of the truth of the charges against said entry, and the same will be cancelled.

Very respectfully,
EDWARD E. GARRETT,
Receiver."

"State of Idaho,
County of Boise,—ss.

George T. Young, being first duly sworn according to law, deposes and says that he is the postmaster at Centerville, Boise County, State of Idaho, that he is personally acquainted with one Able E. Hunter, who receives his mail at the said post office; that this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone filing No. 227, in the Boise, Idaho land district, by delivering the same to him in per-

son on this 8th day of August, 1903, at Centerville, Idaho.

GEORGE T. YOUNG.

Subscribed and sworn to before me, this 8th day of August, 1903.

[Seal]

NORMAN H. YOUNG."

Notary Public.

“DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE,
At Boise, Idaho.

In the Matter of the Application of Able E. Hunter,
to Purchase the SE. $\frac{1}{4}$, Sec. 14, Twp. 7 N., R.
5 E., B. M. Under his Timber and Stone
Sworn Statement No. 227.

Comes now, Able E. Hunter, the above-named applicant, and in compliance with the notice of the Register of the Land Office at Boise, Idaho, makes this his application to be allowed a hearing to determine the facts relative to charges made by Special Agent, summarised as follows:

‘John I. Wells of Boise, Idaho, was to pay all expenses in connection with the filing and proof and afterward to purchase the land. That applicant received of Mr. John I. Wells the money to pay purchase price to the Government, that the applicant was to receive \$250, for his right of entry.’

APPLICANT requests that he may be allowed to prove at said hearing that said entry was made in good faith for the sole use and benefit of the applicant, and not for speculation nor for the purpose of acquiring title in whole or in part for the

benefit of any other person, persons or corporation.

ABLE E. HUNTER."

Plaintiff's Exhibit No. 68B.

NOTICE TO ALBERT P. HUGENT.

"DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE.

Boise, Idaho, December 9, 1902.

Albert P. Hugent, Esq.,

Centerville, Idaho.

Sir:—You are hereby notified that the Commissioner of the General Land Office, by letter dated November 7, 1902, has suspended your T. & S. S. S., No. 225, for the E. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15, SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 10, and SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, Section 11, Tp. 7 N., Range 5 E., Boise, Idaho land district, on charges contained in a report by a special agent.

The charges on which said T. & S. S. S. is suspended are summarized as follows:

'Tract said to be timber land, unfit for cultivation if cleared; that the entry was made in the interest of John I. Wells, and John Kinkaid, of Boise, Idaho, to secure valuable timber lands in the Boise district, who furnished claimant the money to make said entry, and that claimant agreed to transfer the land to them as soon as he secured title thereto.'

You will be allowed thirty days within which to file application in this office for a hearing, and your failure to apply for a hearing within the time specified will be taken as an admission of the truth of the

charges against said T. & S. S. S., and the same will be cancelled.

Very respectfully,
EDWARD E. GARRETT,
Receiver."

"State of Idaho,
County of Owyhee,—ss.

M. M. GEHHELL, being first duly sworn according to law, deposes and says that he is the postmaster at Silver City, State of Idaho, that he is personally acquainted with one Albert P. Nugent, who receives his mail at the said post office; that this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone entry No. S. S. 225, in the Boise, Idaho land district, by delivering the same to him in person on this 14th day of December, 1902, at Silver City, Idaho.

M. M. GEHHELL.

Subscribed and sworn to before me this 15th day of December, 1902.

[Seal]

J. L. ST. CLAIR,
Clerk, District Court."

Plaintiff's Exhibit No. 68C.

NOTICE TO ARTHUR ANDERSON.
"DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE.

Boise, Idaho, December 9, 1902.

Arthur Anderson,
Pioneerville, Idaho.

Sir: You are hereby notified that the Commissioner of the General Land Office, by letter dated

November 10, 1902, has suspended your T. & S. S. S., No. 226, for the E. $\frac{1}{2}$ NW. $\frac{1}{4}$, and W. $\frac{1}{2}$ NE. $\frac{1}{4}$, Section 15, Tp. 7 N., Range 5 E., B. M., Boise land district, on charges contained in a report by a special agent.

The charges on which said T. & S. S. S. is suspended are summarized as follows:

'Tract is timber land, probably mineral in character; that this entry was made in the interest and at the instance of John I. Wells, of Boise, Idaho, who is associated with one Patrick Downs, in carrying on an extensive timber land business, and that claimant made an agreement to transfer the land to Wells as soon as he obtained title thereto.'

You will be allowed thirty days within which to file application in this office for a hearing, and your failure to apply for a hearing within the time specified will be taken as an admission of the truth of the charges against said T. & S. S. S., and the same will be cancelled.

Yours respectfully,

EDWARD E. GARRETT,

Receiver."

"State of Idaho,
County of Boise,—ss.

H. JOYCE, being first duly sworn according to law, deposes and says that he is the postmaster at Pioneerville, State of Idaho, that he is personally acquainted with one Arthur Anderson, who receives his mail at the said post office; that this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone S. S. No. 226

in the Boise, Idaho, land district, by delivering the same to him in person on this 19th day of December, 1902, at Pioneerville, Idaho.

H. JOYCE.

Subscribed and sworn to before me this 10th day of Jan., 1903.

[Seal]

NORMAN H. YOUNG,
Notary Public."

Plaintiff's Exhibit No. 68D.

NOTICE TO JAMES T. BALL.
"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, July 22, 1903.

Mr. James T. Ball,
Centerville, Idaho.

Sir: You are hereby notified that the Commissioner of the General Land Office, by letter dated June, 1903, has suspended your Timber & Stone No. 228, for the SW. $\frac{1}{4}$, Section 13, Tp. 7 N., Range 5 E., Boise, Idaho, land district on charges contained in a report by a special agent.

The charges on which said T. & S. is suspended are summarized as follows:

John I. Wells, of Boise, Idaho, was to pay all expenses in connection with the filing and proof, and afterward purchase the land; that applicant received of John I. Wells the money to pay the purchase price to the Government. That this applicant was to receive \$250, for his right of entry.

You will be allowed thirty days within which to file application in this office for a hearing, and your

failure to apply for a hearing within the time specified will be taken as an admission of the truth of the charges against said entry, and the same will be cancelled.

Very respectfully,

EDWARD E. GARRETT,

Receiver."

"State of Idaho,

County of Boise,—ss.

Francis J. Castle, being first duly sworn according to law, deposes and says that he is the postmaster at Garden Valley, Boise Co., State of Idaho, that he is personally acquainted with one James T. Ball who receives his mail at the said postoffice; *this* this affiant served the said party with a copy of the attached notice of the suspension of his Timber & Stone filing No. 228, in the Boise, Idaho land district, by delivering the same to him in person on this 4th day of Aug., 1903, at Garden Valley, Idaho.

FRANCIS J. CASTLE,

Asst. P. M.

Subscribed and sworn to before me this 1st day of September, 1903.

[Seal]

MILTON G. CAGE,

Notary Public."

Plaintiff's Exhibit No. 68E.

LETTER OF RECEIVER, TRANSMITTING
APPLICATION OF HARVEY H. WELLS,
FOR REHEARING.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Idaho, August 26, 1903.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir: I have the honor to transmit, herewith, the application of Harvey H. Wells for a hearing in the matter of his suspended timber and stone application, sworn statement #224, for the purchase of the SW. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M.

The notice of suspension was transmitted to Special Agent, L. L. Sharp for personal service. No return has been filed.

Very respectfully,
EDWARD E. GARRETT,
Receiver.”

Plaintiff's Exhibit No. 68F.

LETTER OF RECEIVER, TRANSMITTING
APPLICATION OF JAMES T. BALL FOR
REHEARING.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Ida, August 26, 1903.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir: I have the honor to transmit, herewith, application for hearing of James T. Ball, in the matter of the suspension, by letter “P” of June —, 1903, of his timber and stone application #228 for the purchase of the SW. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M.

The notice of suspension was transmitted to Special Agent, Louis L. Sharp for personal service. No return has been filed.

Very respectfully,

EDWARD L. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 68G.

COPY LETTER OF C. R. PONCIA TO HON.
FRED T. DU BOIS, AND RECEIVER'S
CERTIFICATE TO COPY.

“Pioneerville, Boise Co., Idaho, 1-24-1902.

Hon. Fred T. Du Bois,
U. S. Senate,

Dear Sir: Your communication regarding the gigantic timber frauds in Boise County, Idaho, came

safe to hand. I am very glad to note the interest you take in the matter and can assure the people here appreciate your work. You speak about cross-examination at the Land Office, this I think was done according to rules, and just as you say, it was also sworn to in each instance. I shall inclose a Boise County paper, which will show you a good many who has not yet proved up but expect to as soon as the time of publication is up. I shall particular call your attention to two names who appear almost as witnesses on every claim, and also to the number of women who have taken claims, and in a majority of of instances has never seen the ground. The name of Patric Downs, this man goes and run the lines and then have some party take up the claim. He is employed by the corporation, who later buys up the claims. The other man is John Wells, whose P. O. Address is Boise, Idaho. This man has taken a claim himself, his wife also, and has given others the money, (whose names I will herewith enclose) to prove up with and, who also attends to the deeding of the claim, after proving up either to himself or the corporation. The name of the corporation I do not know, but the land office at Boise, Idaho, do know, for it asked them that proved up whether they took it up for the corporation, or whether they were going to transfer their claim to said corporation, hence, I think the Land Office knows if these people be allowed to keep their claims, then Boise County must take a back seat as a producer. It is all mineral land and think am justified in saying that each claim has one or more mineral veins or lodes, perhaps not all in

paying quantities, still the mineral is there, and the land can not or should not come under the timber and stone act. There is not a mine here that could afford to pay stumpage, which they would have to do if the corporation gets the land now advertised.

Each claimant gets \$237.50 for his claim, paying his own expenses to the Capital. John Wells gets \$25 from each claimant. Each one with the exception of one or two, got money from John Wells to prove up with and immediately transferred their claim after proving up either to him or the company.

This list has proved up, Arthur Anderson, Pioneer-ville, Boise Co., Idaho, Hal H. Wells, Boise, Ada County, Idaho, Bert Nugent, Idaho City, Boise County, Idaho, James Ball, Garden Valley, Boise County, Idaho, John Wells, Boise, Ada County, Idaho, Mrs. John Wells, Boise, Ada County, Idaho, Homer Granger, Centerville, Boise County, Idaho, Mrs. Homer Granger, Centerville, Boise County, Idaho, Able Edward Hunter, Centerville, Boise County, Idaho, Mrs. Katie Hunter, Centerville, Boise County, Idaho, Thad M. Glass, Centerville, Boise County, Idaho.

The last named, Mr. Glass did use his own money to prove up with, and as I understand still retains the land as well as Mr. and Mrs. Hunter. The balance all proved up with money given them by Mr. Wells, and also transferred their property. They have still \$100 coming to them which they will get when they get a U. S. patent. When they do, I understand are to sign another paper, this making the transfer complete. I am indebted for this informa-

tion to Mr. Arthur Anderson, the first man on the list. He feels very bad about the affair, and sincerely wishes that he never had anything to do with it. He is a very truthful man, or rather always has been respected and liked by everybody who knows him. I would suggest and ask that he be not punished as I am confident he will, on the stand, tell all he knows about it. I think the bad advice from an attorney has had a lot to do with it. I trust and hope that you will be able to prevent this wholesale land grabbing. I shall as aforesaid, enclose the weekly newspaper with a lot of more entrys. Wishing you success in every way, and hoping that you will succeed in stopping the outrage,

I am,

Yours truly,

C. R. PONCIA."

NELSON BOTTCHEER.

"I, Edward E. Garrett, Receiver of the U. S. Land Office at Boise, Idaho, do hereby certify that the above and foregoing is a full, true and correct transcript of a copy of letter of C. R. Poncia and Nelson Bottcher, which copy of letter was this day presented and compared herewith.

In witness whereof, I have hereunto set my hand this 29th day of December, 1903.

EDWARD E. GARRETT,

Receiver."

(Endorsed: Plaintiff's Exhibit 'E.')

Plaintiff's Exhibit No. 68H.**DECISION OF REGISTER AND RECEIVER
IN UNITED STATES vs. HARVEY H.
WELLS.**

“UNITED STATES LAND OFFICE.

Boise, Idaho, April 9, 1904.

Involving timber and stone filing No. 224, for the
SW. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M.

UNITED STATES,

vs.

HARVEY H. WELLS.

DECISION OF REGISTER AND RECEIVER.

On September 24, 1901, Harvey H. Wells, of Centerville, Boise County, Idaho, filed timber and stone sworn statement No. 224, at this office, for the purchase of the SW. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M. Proof was set for hearing at this office on December 5, 1901, the same not being offered until December 10, 1901. No certificate or receipt was issued.

By Commissioner's letter of June 6, 1903, the entry was suspended on report of a special agent, the Commissioner stating:

There is no separate report on this case but October 22, 1902, Special Agent Sharp submitted a report, covering this among other applications, in which report Albert P. Nugent, claimant in timber and stone filing #225, states in part as follows:

That at the time of application the following parties also filed, viz.: Arthur Anderson, James T. Ball, Able Edward Hunter and H. H. Wells; that they made their applications under conditions identical

with those governing his in that it was expressly agreed that John I. Wells, of Boise, was to pay all expenses and afterward purchase the land; that they received \$412.50 in each others presence of which \$400 was to pay for the land and \$12.50 was an advance on the \$250.00 they were to receive for their right of entry.

July 22, 1903, notice of the suspension was issued and served personally on the claimant. Application for hearing was filed August 21, 1903, hearing being ordered by letter "P" of October 7, 1903. Notice of hearing issued from this office fixing hearing on December 9, 1903.

On December 9, 1903, the case was regularly called, Special Agent L. L. Sharp, appearing for the Government, the defendant appearing personally and by his counsel, H. S. Worthman, Esq. At request of the special agent, M. G. Cage, Esq., was entered as counsel for the Government, assisting the special agent, to which the defendant objected. At request of H. S. Worthman for the defense, Frank Martin, Esq., was entered as associate counsel. The taking of testimony in the case was postponed until the conclusion of the case of the United States vs. Arthur Anderson, which was set for hearing on the same date.

On December 30, 1903, the taking of testimony in case of United States vs. Arthur Anderson having been concluded, this case was duly called, all parties being present in person. By stipulation of the respective counsel, the cases of the United States vs. Able Edward Hunter, James T. Ball and Harvey H. Wells, which involved the same question affecting

each entry, the witnesses being the same, were consolidated, and it was further stipulated that the testimony taken in the case of the United States vs. Arthur Anderson should be considered "as having been introduced in these three cases tried together in so far as such testimony and evidence in any manner affects the question involved in said above mentioned three cases, or either of them, and is material thereto." The submittal of testimony was concluded on December 31, 1903.

From the testimony presented in the case of the United States vs. Arthur Anderson and the consolidated cases of United States vs. Hunter, Ball and Wells, it appears that Arthur Anderson, Albert P. Nugent, James T. Ball, Abel Edward Hunter and this defendant came to Boise about the same time in September, 1901, and made timber and stone filings on land in the same locality; that the proofs were set for hearing on December 5 and 6, 1901; that they all came to Boise on or about December 4, 1901, proofs not being tendered until December 10, 1901.

From a consideration of the testimony presented in the case of the United States vs. Arthur Anderson and in this case, and from our knowledge of the circumstances, it appears that the several parties made their filings and proofs under practically the same conditions. *It clearly* evident to us that this filing was made from the same impulse as that of Arthur Anderson and therefore that the entryman was not offering the purchase for his own use and benefit, but was making the entry in the interest of other parties.

We hold that said timber and stone filing No. 224 should be cancelled.

HARRY J. SYMS,
Register.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 68 I.

**DECISION OF REGISTER AND RECEIVER
IN UNITED STATES vs. ABEL EDWARD
HUNTER.**

"UNITED STATES LAND OFFICE.

Boise, Idaho, April 9, 1904.

Involving timber and stone filing No. 227, for the SE.

$\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M.

UNITED STATES

vs.

ABLE EDWARD HUNTER.

DECISION OF REGISTER AND RECEIVER.

On September 25, 1901, Able Edward Hunter, of Centerville, Boise County, Idaho, filed timber and stone sworn statement No. 227, at this office, for the purchase of the SE. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., B. M. Proof was set for hearing at this office on December 5, 1901, the same not being offered until December 10, 1901. No certificate or receipt was issued at that time. Cash receipt No. 1984 issued on July 29, 1902.

By Commissioner's letter of June 8, 1903, the entry was suspended on report of a special agent, the Commissioner stating:

There is no separate report in this case but October 22, 1902, Special Agent Sharp submitted a re-

port, covering this among other cases, in which report Albert P. Nugent, claimant in timber and stone application #225, states in part as follows: That at the time of making application the following parties also made application, viz.: Arthur Anderson, James T. Ball, Able Edward Hunter and H. H. Wells; that they made the applications under conditions identical with those governing his in that it was expressly agreed that John I. Wells, of Boise, was to pay all expenses and afterward purchase the land; that they received \$412.50 in each other's presence of which \$400 was to pay for the land and \$12.50 was an advance on the \$250.00 they were to receive for their right of entry.

Notice of the suspension was served personally on the claimant the return being filed August 24, 1903. Application for hearing was filed August 26, 1903, hearing being ordered by letter "P" of October 1, 1903. Notice of hearing issued from this office fixing hearing on December 9, 1903.

On December 9, 1903, the case was regularly called, Special Agent L. L. Sharp, appearing for the Government, the defendant appearing personally and by his counsel H. S. Worthman, Esq. At request of the special agent, M. G. Cage, Esq., was entered as counsel for the Government, assisting the special agent, to which the defendant objected. At request of H. S. Worthman for the defense, Frank Martin, Esq., was entered as associate counsel. The taking of the testimony in the case was postponed until the conclusion of the case of the United States vs. Arthur Anderson, which was set for hearing on the same date.

On December 30, 1903, the taking of testimony in case of United States vs. Arthur Anderson having been concluded, this case was duly called, all parties being present in person. By stipulation of the respective counsel, the cases of the United States vs. Able Edward Hunter, James T. Ball and Harvey H. Wells, which involved the same question affecting each entry, the witnesses being the same, were consolidated, and it was further stipulated that the testimony taken in the case of the United States vs. Arthur Anderson should be considered "as having been introduced in these three cases tried together in so far as such testimony and evidence in any manner affects the question involved in said above mentioned three cases, or either of them, and is material thereto." The submittal of testimony was concluded on December 31, 1903.

From the testimony presented in the case of the United States vs. Arthur Anderson and the consolidated cases of United States vs. Hunter, Ball, and Wells, it appears that Arthur Anderson, Albert P. Nugent, James T. Ball, Harvey H. Wells and this defendant came to Boise about the same time in September, 1901; and made timber and stone filings on land in the same locality; that the proofs were set for hearing on December 5 and 6, 1901; that they all came to Boise on or about December 4, 1901, proofs not being tendered until December 10, 1901.

From a consideration of the testimony presented in the case of the United States vs. Arthur Anderson and in this case, and from our knowledge of the circumstances, it appears that the several parties made

their filings and proofs under practically the same conditions. It is clearly evident to us that this filing and entry was made from the same impulse as that of Arthur Anderson, and therefore that the entryman was not offering the purchase for his own use and benefit, but was making the entry in the interest of other parties.

We hold that said timber and stone filing No. 227 and cash entry No. 1984 should be cancelled.

HARRY J. SYMS,
Register.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 68J.

Testimony taken in re suspension of Arthur Anderson et al.

Plaintiff's Exhibit No. 68K.

LETTER OF SECRETARY OF INTERIOR IN
RE APPEAL OF JAMES T. BALL.

"DEPARTMENT OF THE INTERIOR,
WASHINGTON.

33-364.

May, 24, 1905.

UNITED STATES,

vs.

JAMES T. BALL.

The Commissioner of the

General Land Office,

Sir:

An appeal has been filed by James T. Ball from the decision of your office of November 19, 1904, sustaining the decision of the local officers in rejecting his timber and stone application, and the final proof

submitted to him, covering the SW. $\frac{1}{4}$, of Sec. 13, T. 7 N., R. 5 E., Boise, Idaho.

By stipulation this case was consolidated with those of United States v. Able Edward Hunter and United States v. Harvey H. Wells, the testimony taken therein to be considered in determining the three cases; and it was further stipulated that the testimony taken in the case of Arthur Anderson from the same land district, should also be considered in connection with said three cases.

Upon careful examination of all the matters presented by the combined records, no good reason appears for disturbing the action taken by your office and the same is hereby affirmed.

The papers are returned.

Very respectfully,

E. A. HITCHCOCK,

Secretary."

Plaintiff's Exhibit No. 68L.

LETTER OF SECRETARY OF INTERIOR IN
RE APPEAL OF ABEL EDWARD HUNTER.

"DEPARTMENT OF THE INTERIOR,
WASHINGTON.

33-363.

May, 24, 1905.

On Review.

UNITED STATES,

vs.

ABLE EDWARD HUNTER.

The Commissioner of the

General Land Office.

Sir:

An appeal has been filed by Able Edward Hunter

from the decision of your office of November 19, 1904, sustaining the decision of the local officers in holding for cancellation his timber and stone entry for the SE. $\frac{1}{4}$ of Sec. 14, T. 7 N., R. 5 E., Boise, Idaho.

By stipulation this case was consolidated with those of United States v. James T. Ball and United States v. Harvey H. Wells, the testimony taken therein to be considered in determining the three cases; and it was further stipulated that the testimony taken in the case of United States v. Arthur Anderson from the same land district should also be considered in connection with said three cases.

Upon careful examination of all the matters presented by the combined records no good reason appears for disturbing the action taken by your office and the same is hereby affirmed.

Very respectfully,

E. A. HITCHCOCK,

Secretary."

Plaintiff's Exhibits Nos. 69J to 69N.

Plaintiff's Exhibit No. 69J.

GUSTAV A. LINK: Residence, Boise; Occupation, Laborer.

Sworn Statement, No. 263, dated and filed Nov. 1st, 1901, for entry of Southwest Quarter of Section 24, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 69K.

Testimony of Gustav A. Link, at final proof, dated January 29, 1902.

Plaintiff's Exhibit No. 69L.

ANSWERS Given by Gustav A. Link to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Worked for it. I always got money—sometime more than this—have more now.

Answer to Ques. 18: I do. Bank of Commerce, in Boise.

Plaintiff's Exhibit No. 69M.

Final Certificate No. 1957, dated July 22, 1902.

Plaintiff's Exhibit No. 69N.

Receiver's Receipt No. 1957, dated July 22, 1902.

Plaintiff's Exhibit No. 69H.

Deed from Gustav A. Link and Mary Link to A. E. Palmer, dated June 19th, 1903; consideration \$2,000.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibit No. 69J and 70B, and filed for record February 29th, 1904, at the request of Wm. E. Borah.

Plaintiff's Exhibit No. 69I.

Patent dated Feb. 1st, 1904, to Gustav A. Link, for land described in Exhibit No. 69J.

NOTE: See other exhibits under 69 series, with exhibits of Mary A. Link, No. 70, etc.

Plaintiff's Exhibits Nos. 69A to 69G, and 70A to 70F.

Plaintiff's Exhibit No. 70B.

MRS. MARY LINK: Residence, Boise, Idaho.

Sworn Statement, No. 264, dated and filed Nov. 1st, 1901, for entry of North Half of the Southeast

quarter, Section 22, and North half of Southwest quarter, Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 70A.

Patent to Mary Link, dated Feb. 1st, 1904, for land described in Exhibit 70B.

Plaintiff's Exhibit No. 70C.

ANSWERS Given by Mary Link to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I worked for it. I worked in Atlanta last summer, cooking for the miners. About six months, some I had longer.

Answer to Ques. 18: Yes, sir; Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 70D.

Testimony of Mary Link, at final proof, dated January 29, 1902.

Plaintiff's Exhibit No. 70E.

Receiver's Receipt No. 2022, dated Aug. 19th, 1902.

Plaintiff's Exhibit No. 70F.

Final Certificate No. 2022, dated Aug. 19th, 1902.

NOTE: See note reference to Exhibits of Mary Link, in connection with Exhibits Gustav Link, No. 69, etc.

Plaintiff's Exhibit No. 69A.

Testimony of witness, Patrick H. Downs, at final proof, Mary Link.

Plaintiff's Exhibit No. 69B.

Cross-examination of Patrick H. Downs, at final proof, witness.

Plaintiff's Exhibit No. 69C.

Testimony of witness, Charles Nelson, at final proof, Mary Link.

Plaintiff's Exhibit No. 69D.

Cross-examination of witness, Charles Nelson, at final proof.

Plaintiff's Exhibit No. 69E.

Missing.

Plaintiff's Exhibit No. 69F.

Notice for Publication; witnesses for final proof, Charles Nelson, Louisa B. West, Patrick H. Downs, Henry A. Snow.

Plaintiff's Exhibit No. 69G.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 71A to 71N.

Plaintiff's Exhibit No. 71A.

HENRY BAYHOUSE: Residence, Boise, Idaho; Occupation, Clerk.

Sworn Statement, No. 586, dated and filed Sept. 15th, 1902, for entry of Southwest Quarter of Section 3, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 71B.

Testimony of Henry Bayhouse, at final proof, dated January, 9, 1903.

Plaintiff's Exhibit No. 71C.

ANSWERS Given by Henry Bayhouse, to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it by working; have had it at least five years.

Answer to Ques. 18: Yes. First National Bank, Boise, Ida.

Plaintiff's Exhibit No. 71D.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 71E.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 71F.

Notice for Publication; final proof witnesses, Robert Bayhouse, Merrett L. Twogood, Edward E. Butler, Patrick H. Downs.

Plaintiff's Exhibit No. 71G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 71H.

Receiver's Receipt, No. 2257, dated January 9th, 1903.

Plaintiff's Exhibit No. 71I.

Final Certificate No. 2257, dated January 9th, 1903.

Plaintiff's Exhibit No. 71J.

Deed from Henry Bayhouse to Horace S. Rand, dated February 12th, 1903; consideration, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record on June 23d, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 71A.

Plaintiff's Exhibit No. 71K.

Cross-examination of witness, Merritt L. Twogood at final proof.

Plaintiff's Exhibit No. 71L.

Testimony of witness, Merritt L. Twogood, at final proof.

Plaintiff's Exhibit No. 71M.

Affidavit of Publication.

Plaintiff's Exhibit No. 71N.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 72A to 72 I.

Plaintiff's Exhibit No. 72A.

JACKSON OWNBEY: Residence, Halfway House, Boise County, Idaho; Occupation, Farmer.

Sworn Statement, No. 540, dated and filed Aug. 30th, 1902, for entry of Northwest Quarter of Section 13, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 72B.

Notice for Publication; witnesses for final proof, James Ownbey, Harrison Ownbey, Mary E. Ownbey, and Patrick H. Downs.

Plaintiff's Exhibit No. 72C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 72D.

Testimony of Jackson Ownbey, at final proof, dated December 11, 1902.

Plaintiff's Exhibit No. 72E.

ANSWERS on Cross-examination, given by Jackson Ownbey, to Questions 16, 17 and 18, on Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I keep a deposit at the banks all the time, have had this amount 12 months.

Answer to Ques. 18: Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 72F.

Testimony of witness, Patrick Downs, on final proof.

Plaintiff's Exhibit No. 72G.

Receiver's Receipt No. 2209, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 72H.

Final Certificate No. 2209, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 72I.

Deed from Jackson Ownbey to Horace S. Rand, dated Feb. 9, 1903, consideration, \$950, acknowledged before Walter S. Walker, Notary Public, and filed for record, June 23rd, 190—, at the request of W. E. Borah. Conveys land described in Exhibit No. 72A.

Plaintiff's Exhibits Nos. 73A to 73H.

Plaintiff's Exhibit No. 73A.

MARY E. OWNBEY: Residence, Halfway House, Boise County, Idaho; Occupation, Housekeeper.

Sworn Statement, No. 541, for entry of (dated and filed August 30th, 1902) Lot 2, and Southwest Quarter of Northeast Quarter, and West One-half of the Southeast Quarter of Section 3, Tp. 7 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 73B.

Notice for Publication; witnesses for Final Proof,

Jackson Ownbey, Harrison Ownbey, James Ownbey and Patrick H. Downs.

Plaintiff's Exhibit No. 73C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 73D.

Testimony of Mary E. Ownbey on final proof, dated December 11, 1902.

Plaintiff's Exhibit No. 73E.

ANSWERS Given by Mary E. Ownbey, to questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I got the money from my husband this morning. Have not kept separate funds.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 73F.

Receiver's Receipt No. 2212, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 73G.

Final Certificate No. 2212, dated Dec. 11th, 1902.

Plaintiff's Exhibit No. 73H.

Deed from Mary E. Ownbey and Jackson Ownbey, to Horace S. Rand, dated Feb. 9th, 1903; consideration, \$950.00; acknowledged before Walter S. Walker, conveying land described in Exhibit 73A, and filed for record at the request of W. E. Borah, 23d, June, 1904.

Plaintiff's Exhibits Nos. 74A to 74 O.**Plaintiff's Exhibit No. 74A.**

MRS. DELILAH BAYHOUSE: Residence, Boise, Idaho; Occupation, Housewife.

Sworn Statement No. 623, dated and filed Sept. 24th, 1902, for entry of Northwest Quarter of Section 27, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 74B.

Testimony of Mrs. Delilah Bayhouse, at final proof, dated January, 28th, 1903.

Plaintiff's Exhibit No. 74C.

ANSWERS Given by Mrs. Delilah Bayhouse to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money I earned in my business as dressmaker. Have owned this amount 4 or 5 years, and some longer.

Answer to Ques. 18: Have not kept a bank account. Part of the money I had loaned out until a few days ago.

Plaintiff's Exhibit No. 74D.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 74E.

Cross-examination of John I. Wells, at final proof, witness.

Plaintiff's Exhibit No. 74F.

Notice for Publication, witnesses for final proof, Wm. F. Noble, George W. Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 74G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 74H.

Receiver's Receipt, No. 2284, dated January 28th, 1903.

Plaintiff's Exhibit No. 74I.

Final Certificate No. 2284, dated January 28th, 1903.

Plaintiff's Exhibit No. 74J.

Affidavit of Publication.

Plaintiff's Exhibit No. 74K.

Missing.

Plaintiff's Exhibit No. 74L.

Cross-examination of witness, Wm. F. Noble, at final proof.

Plaintiff's Exhibit No. 74M.

Testimony of witness, Wm. F. Noble, at final proof.

Plaintiff's Exhibit No. 74N.

Deed from Mrs. Delilah Bayhouse, and Hugo Bayhouse, to Horace S. Rand; consideration \$800.00, dated Feb. 12th, 1903, acknowledged before L. M. Pritchard, filed for record June 23rd, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 74A.

Plaintiff's Exhibit No. 74O.

Patent dated May 24th, 1904, to Mrs. Delilah Bayhouse, for land described in Exhibit 74A.

Plaintiff's Exhibits Nos. 75A to 75G.**Plaintiff's Exhibit No. 75A.**

SONORA A. JOPLIN: Residence, South Boise, Idaho; Occupation, Housekeeper.

Sworn Statement No. 645, dated and filed October 2d, 1902, for entry of Southwest quarter of Section 33, Tp. 7 North of Range 8 East.

Plaintiff's Exhibit No. 75B.

Testimony of Sonora A. Joplin, on final proof, dated March 19, 1903.

Plaintiff's Exhibit No. 75C.

ANSWERS Given by Sonora A. Joplin, on Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes, sir, I do.

Answer to Ques. 17: From the sale of ranch produce, and keeping boarders, and house rents. Have been accumulating it for some time; could not say how long I have had all of it. Have had sufficient money to make the investment for several years.

Answer to Ques. 18: No, sir, I don't accumulate enough to place it in the bank.

Plaintiff's Exhibit No. 75D.

Final Certificate No. 2350, dated March 19th, 1903.

Plaintiff's Exhibit No. 75E.

Receiver's Receipt No. 2350, dated March 19th, 1903.

Plaintiff's Exhibit No. 75F.

Deed from Sonora A. Joplin to Horace S. Rand, dated March 25th, 1903; consideration, \$950.00,

acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 75A.

Plaintiff's Exhibit No. 75G.

Patent dated Aug. 23rd, 1904, to Sonora A. Joplin, for land described in Exhibit No. 75A, in Boise Meridian.

Plaintiff's Exhibits Nos. 76A to 76Q.

Plaintiff's Exhibit No. 76A.

WALTER JOPLIN: Residence, Boise, Idaho; Occupation, Teamster.

Sworn Statement, No. 613, dated and filed Sept. 23d, 1902, for entry of West One-half of the Northeast quarter, Southeast quarter of Northeast quarter, and Northeast quarter of Southeast Quarter, Section 20, Tp. 7 North, of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 76B.

Testimony of Walter Joplin, at final proof, dated May 4, 1903.

Plaintiff's Exhibit No. 76C.

ANSWERS Given by Walter Joplin to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. Yes, sir.

Answer to Ques. 17: Worked for it, saving for 3 or 4 years, and borrowed part from my mother, Mrs. S. A. Joplin. Some had for year.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 76D.

Receiver's Receipt No. 2405, dated May 4th, 1903.

Plaintiff's Exhibit No. 76E.

Final Certificate No. 2405, dated May 4th, 1903.

Plaintiff's Exhibit No. 76F.

Deed from Walter Joplin to Horace S. Rand, dated May 14th, 1903; consideration, \$1100.00, acknowledged before L. M. Pritchard, Notary Public, and filed for record at request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 76A.

Plaintiff's Exhibit No. 76G.

Affidavit of Publication.

Plaintiff's Exhibit No. 76H.

Notice for Publication; witnesses for final proof, Edgar E. Bush, George Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 76I.

Notice for Publication; witnesses for final proof, Edgar E. Bush, George Butler, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 76J.

Affidavit of Walter Joplin in re postponement date of proof.

Plaintiff's Exhibit No. 76K.

Affidavit of Walter Joplin, in re postponement date of proof.

Plaintiff's Exhibit No. 76L.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 76M.

Cross-examination of witness, Edgar E. Bush, at final proof.

Plaintiff's Exhibit No. 76N.

Testimony of witness, Edgar E. Bush, at final proof.

Plaintiff's Exhibit No. 76O.

Cross-examination of witness, George W. Butler, at final proof.

Plaintiff's Exhibit No. 76P.

Testimony of witness, George W. Butler, at final proof.

Plaintiff's Exhibit No. 76Q.

Patent dated July 26th, 1904, to Walter Joplin, for land described in Exhibit 76A.

Plaintiff's Exhibits Nos. 77A to 77N.

Plaintiff's Exhibit No. 77A.

FRANK P. WEASEL: Residence, Boise, Idaho; Occupation, Teamster.

Sworn Statement No. 804, dated and filed April 22d, 1903, for entry of Southeast Quarter of Section 31, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No 77B.

Notice for Publication; witnesses for final proof, George York, George Butler, Walter Joplin, Edward Bush.

Plaintiff's Exhibit No. 77C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 77D.

Testimony of Frank T. Weasel at final proof, dated July 13, 1903.

Plaintiff's Exhibit No. 77E.

ANSWERS of Frank T. Weasel to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it, and have had it in Capital State Bank for 2 years.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 77F.

Receiver's Receipt No. 2460, dated July 13th, 1903.

Plaintiff's Exhibit No. 77G.

Final Certificate No. 2460, dated July 13th, 1903.

Plaintiff's Exhibit No. 77H.

Deed from Frank P. Weasel to Horace S. Rand, dated July 31st, 1903; consideration, \$800.00; acknowledged before John M. Haines, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 77A.

Plaintiff's Exhibit No. 77I.

Affidavit of Publication.

Plaintiff's Exhibit No. 77J.

Cross-examination of Witness, George York, at final proof.

Plaintiff's Exhibit No. 77K.

Testimony of witness, George York, at final proof.

Plaintiff's Exhibit No. 77L.

Cross-examination of witness, George Butler, at final proof.

Plaintiff's Exhibit No. 77M.

Testimony of witness, George Butler, at final proof.

Plaintiff's Exhibit No. 77N.

Patent to Frank P. Weasel, dated July 26th, 1904, for land described in Exhibit No. 77A.

Plaintiff's Exhibits Nos. 78A to 78J.

Plaintiff's Exhibit No. 78F.

ERY A. WILMOT: Residence, Boise, Idaho; Occupation, Contractor.

Sworn Statement No. 332, dated and filed March 22, 1902, for entry of Northwest Quarter of Section 17, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 78A.

Notice for Publication; witnesses for final proof, Sam Markham, Joe Cox, Homer Allen, Pat Downs.

Plaintiff's Exhibit No. 78B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 78C.

Deed from Ery A. Wilmot, to A. E. Palmer, dated June 24th, 1903; consideration, \$1,000.00; executed before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 27th, 1904. Conveys land described in Exhibit No. 78F.

Plaintiff's Exhibit No. 78D.

Certified Copy of Patent.

Plaintiff's Exhibit No. 78E.

Patent to Ery A. Wilmot, dated January 28th, 1904, to land described in Exhibit 78F.

Plaintiff's Exhibit No. 78G.

Testimony of Ery A. Wilmot, at final proof dated June 12, 1902.

Plaintiff's Exhibit No. 78H.

ANSWERS Given to Ery A. Wilmot, questions, 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I have. I do.

Answer to Ques. 17: Earned it, saved it from my business. I own a house and lot here, and 8 lots and residence in Meridian, property is worth \$2,000.00

Answer to Ques. 18: I have. The 1st Natl. at Boise.

Plaintiff's Exhibit No. 78I.

Receiver's Receipt No. 1836, dated June 12th, 1902.

Plaintiff's Exhibit No. 78J.

Final Certificate No. 1836, dated June 12th, 1904.

Plaintiff's Exhibits Nos. 79A to 79M.**Plaintiff's Exhibit No. 79A.**

JEANETTE B. COOPER: Idaho City, Idaho; Occupation, Housewife.

Sworn Statement No. 667, dated and filed Oct. 17th, 1902, for entry of Southeast Quarter of Southwest quarter and South One-half of the South-east Quarter, Section 30, and Southwest Quarter of Southwest quarter, Section 29, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 79B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 79C.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Walter Joplin, Patrick H. Downs, and John I. Wells.

Plaintiff's Exhibit No. 79D.

Testimony of Jeanette B. Cooper, on final proof, dated February 18, 1903.

Plaintiff's Exhibit No. 79E.

ANSWERS Given by Jeanette B. Cooper, to questions 16, 17 and 18, on cross-examination on Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My brother-in-law furnished me with this money, but I am to refund it. I have money, and mining property of my own.

Answer to Ques. 18: No, my money is invested. My money is drawing interest. He accommodated me by loaning me the money.

Plaintiff's Exhibit No. 79F.

Testimony of witness, John I. Wells on final proof.

Plaintiff's Exhibit No. 79G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 79H.

Testimony of witness, Patrick H. Downs on final proof.

Plaintiff's Exhibit No. 79I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 79J.

Receiver's Receipt No. 2309, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 79K.

Final Certificate No. 2309, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 79L.

Deed from Jeanette B. Cooper, spinster, to Horace S. Rand, dated Feb. 20th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 79A.

Plaintiff's Exhibit No. 79M.

Affidavit of Publication.

Plaintiff's Exhibit No. 79S.

Patent to Jeanette B. Cooper, dated June 10th, 1904, for land described in Exhibit No. 79A.

Plaintiff's Exhibits Nos. 80A to 80N.**Plaintiff's Exhibit No. 80A.**

Mrs. ANNIE E. KEMPNER, Idaho City, Idaho; housekeeper.

Sworn Statement, No. 668, dated and filed Oct. 17th, 1902, for entry of Northeast quarter of Section 32, Tp. 7 North, Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 80B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 80C.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Walter Joplin, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 80D.

Testimony Mrs. Annie E. Kempner, on final proof, dated February 18, 1903.

Plaintiff's Exhibit No. 80E.

ANSWERS given by Mrs. Annie E. Kempner to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Question 17: Mr. Kempner gave me the money to buy this land. Several years.

Answer to Ques. 18: Mr. Kempner has, in Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 80F.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 80G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 80H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 80I.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 80J.

Receiver's Receipt No. 2310, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 80K.

Final Certificate No. 2310, dated Feb. 18th, 1903.

Plaintiff's Exhibit No. 80L.

Deed of Moses H. Kempner and Annie E. Kempner to Horace S. Rand, dated Feb. 20th, 1903; consideration, \$1600.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Ex-

hibits 80A and 186, and filed for record June 23d, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 80M.

Affidavit of Publication.

Plaintiff's Exhibit No. 80N.

Patent dated June 10th, 1904, to Annie E. Kempner of land described in Exhibit No. 80A.

Plaintiff's Exhibits Nos. 81A to 81I, and Exhibits 79N to 79R.

Plaintiff's Exhibit No. 81A.

JOHN E. HOBBS: residence, Boise, Idaho; occupation, metallurgist.

Sworn Statement, No. 993, filed and dated Aug. 10th, 1903, for entry of Southwest quarter of Section 29, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 81B.

Notice for Publication; witnesses for final proof, Samuel E. Vance, Hiram Maynard, Benjamin R. Allen, John J. Pawley.

Plaintiff's Exhibit No. 81C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 81D.

Testimony of John E. Hobbs, at final proof, dated November 10, 1903.

Plaintiff's Exhibit No. 81E.

ANSWERS given by John E. Hobbs, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money in business. Have had it over a year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 81F.

Receiver's Receipt No. 2695, dated Nov. 10th, 1903.

Plaintiff's Exhibit No. 80G.

Final Certificate No. 2695, dated Nov. 10th, 1903.

Plaintiff's Exhibit No. 80H.

Deed from John E. Hobbs, to Horace S. Rand, dated December 17th, 1903; consideration, \$900.00; acknowledged before L. M. Pritchard, and filed for record July 1st, 1904, at the request of W. E. Borah, conveys land described in Exhibit No. 81A.

Plaintiff's Exhibit No. 80I.

Patent dated Sept. 9th, 1904, to John E. Hobbs, conveying land described in Exhibit 81A.

Plaintiff's Exhibit No. 79N.

Testimony of witness, John J. Pawley, at final proof of John E. Hobbs.

Plaintiff's Exhibit No. 79O.

Cross-examination of witness, John J. Pawley, at final proof, of John E. Hobbs.

Plaintiff's Exhibit No. 79P.

Affidavit of Publication.

Plaintiff's Exhibit No. 79Q.

Testimony of Samuel E. Vance, on final proof of John E. Hobbs.

Plaintiff's Exhibit No. 79R.

Cross-examination of witness, Samuel E. Vance, at final proof of John E. Hobbs.

Plaintiff's Exhibits 81J, 81K, 81L, and 81M.

Missing.

Plaintiff's Exhibits Nos. 82A to 82N.**Plaintiff's Exhibit No. 82A.**

JAMES F. BELK: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement, No. 629, dated and filed Sept. 26th, 1902, for entry of Southwest quarter of Section 12, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 82B.

Notice for Publication; witnesses for final proof, Henry Bayhouse, Alfred Bayhouse, George E. Ellis and Patrick H. Downs.

Plaintiff's Exhibit No. 82C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 82D.

Testimony of James F. Belk, at final proof, dated November 17, 1903.

Plaintiff's Exhibit No. 82E.

ANSWERS Given by James F. Belk, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. I do.

Answer to Ques. 17: From my business operations. Two years or more.

Answer to Ques. 18: Yes. Capital State Bank.

Plaintiff's Exhibit No. 82F.

Receiver's Receipt No. 2343, dated March 17th, 1903.

Plaintiff's Exhibit No. 82G.

Final Certificate No. 2343, dated March 17th, 1903.

Plaintiff's Exhibit No. 82H.

Deed from James F. Belk and wife to Horace S. Rand, dated March 24th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 82A.

Plaintiff's Exhibit No. 82I.

Cross-examination of witness, Alfred Bayhouse, at final proof.

Plaintiff's Exhibit No. 82J.

Testimony of witness, Alfred Bayhouse, at final proof.

Plaintiff's Exhibit No. 82K.

Cross-examination of witness, Henry Bayhouse, at final proof.

Plaintiff's Exhibit No. 82L.

Testimony of witness, Henry Bayhouse, at final proof.

Plaintiff's Exhibit No. 82M.

Affidavit of Publication.

Plaintiff's Exhibit No. 82N.

Patent to James F. Belk, dated June 10th, 1904, for land described in Exhibit 82A.

Plaintiff's Exhibits Nos. 83A to 83G.**Plaintiff's Exhibit No. 83A.**

DENNIS THORNTON: Residence, Boise, Idaho; occupation, timberman.

Sworn Statement No. 1618, dated and filed Jan. 27th, 1906, for entry of Southwest quarter of the Southwest Quarter of Section 12, and the West Half of the Northwest quarter, and the Southeast quarter of the Northwest quarter of Section 13, in Township 5, North of Range 3 East, Boise Meridian.

Plaintiff's Exhibit No. 83B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 83C.

Testimony of Dennis Thornton, at final proof, dated April 3, 1906.

Plaintiff's Exhibit No. 83D.

ANSWERS Given by Dennis Thornton, at Final Proof to Questions 16, 17 and 18 on Cross-examination.

Answer to Ques. 16: I did. I expect to pay for the land with my own money.

Answer to Ques. 17: Through the estate of my wife and my own savings. For some time.

Answer to Ques. 18: I do not.

Plaintiff's Exhibit No. 83E.

Receiver's Receipt No. 3503, dated April 3d, 1906.

Plaintiff's Exhibit No. 83F.

Final Certificate No. 3503, dated April 3d, 1906.

Plaintiff's Exhibit No. 83G.

Patent dated Aug. 7th, 1906, to Dennis Thornton, for land described in Exhibit No. 83A.

Plaintiff's Exhibits Nos. 84A to 84N.

Plaintiff's Exhibit No. 84A.

WM. H. MARTIN: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 637, dated and filed Sept. 29th, 1902, for entry of Southeast quarter of Section 7, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 84B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 84C.

Testimony of Wm. H. Martin, at final proof, dated March 18, 1903.

Plaintiff's Exhibit No. 84D.

ANSWERS Given by Wm. H. Martin to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I sold ranch last year, and got the money at that time.

Answer to Ques. 18: Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 84E.

Receiver's Receipt No. 2347, dated March 18th, 1903.

Plaintiff's Exhibit No. 84F.

Final Certificate No. 2347, dated March 18th, 1903.

Plaintiff's Exhibit No. 84G.

Deed from Wm. H. Martin and Henrietta B. Martin, his wife to Horace S. Rand, dated March 24th, 1903; consideration, \$1600.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits Nos. 84A and 85A, and filed for record July 1st, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 84H.

Cross-examination of witness, Arietta H. Stahl, at final proof.

Plaintiff's Exhibit No. 84I.

Testimony of witness, Arietta H. Stahl, at final proof.

Plaintiff's Exhibit No. 84J.

Cross-examination of Benjamin E. Stahl, at final proof. Witness.

Plaintiff's Exhibit No. 84K.

Testimony of witness, Benjamin E. Stahl at final proof.

Plaintiff's Exhibit No. 84L.

Notice of Publication; witnesses for final proof, Henrietta B. Martin, Benjamin E. Stahl, Arietta H. Stahl, Patrick H. Downs.

Plaintiff's Exhibit No. 84M.

Affidavit of Publication.

Plaintiff's Exhibit No. 84N.

Patent to Wm. H. Martin, dated June 10th, 1904, for land described in Exhibit No. 84A.

Plaintiff's Exhibits Nos. 85A to 85N.

Plaintiff's Exhibit No. 85A.

HENRIETTA B. MARTIN: Residence, Boise, Idaho; housewife.

Sworn Statement No. 636, dated and filed Sept. 29th, 1902, for entry of Lots 1 and 2, and East Half of the Northwest Quarter of Section 7, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 85B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 85C.

Testimony of Henrietta B. Martin, at final proof, dated March 18, 1903.

Plaintiff's Exhibit No. 85D.

ANSWERS Given by Henrietta B. Martin, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: It is my part of a ranch we sold. I have had it six months.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 85E.

Receiver's Receipt No. 2346, March 18th, 1903.

Plaintiff's Exhibit No. 85F.

Final Certificate No. 2346, March 18th, 1903.

Plaintiff's Exhibit No. 85G.

Missing.

Plaintiff's Exhibit No. 85H.

Testimony of witness, Benjamin E. Stahl, at final proof.

Plaintiff's Exhibit No. 85I.

Cross-examination of witness, Benjamin E. Stahl, at final proof.

Plaintiff's Exhibit No. 85J.

Testimony of witness, Arietta Stahl, at final proof.

Plaintiff's Exhibit No. 85K.

Notice for Publication; witnesses for final proof, Benjamin E. Stahl, Wm. H. Martin, Arietta H. Stahl, and Patrick H. Downs.

Plaintiff's Exhibit No. 85L.

Affidavit of Publication.

Plaintiff's Exhibit No. 85M.

Cross-examination of witness, Arietta H. Stahl, at final proof.

Plaintiff's Exhibit No. 85N.

Patent to Henrietta B. Martin, June 10th, 1904, for land described in Exhibit 85A.

Plaintiff's Exhibits Nos. 86A to 86J.**Plaintiff's Exhibit No. 86A.**

HOMER C. GRANGER: Residence, Centerville, Idaho; occupation, miner.

Sworn Statement, No. 220, dated and filed Sept. 20th, 1901, for entry of Northeast quarter of Section 14, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 86B.

Testimony of Henry C. Granger at final proof, dated December 12, 1901.

Plaintiff's Exhibit No. 86C.

ANSWERS Given by Homer C. Granger, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I earned part of this fall, part of I collected here in Boise that was owing to me, and part of it I borrowed.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 86D.

Receiver's Receipt 1923, dated July 15th, 1902.

Plaintiff's Exhibit No. 86E.

Final Certificate No. 1923, dated July 15th, 1902.

Plaintiff's Exhibit No. 86F.

Deed from Homer C. Granger to A. E. Palmer, dated July 28th, 1903; consideration, \$1,000.00; acknowledged before Norman H. Young, Notary Public, and filed for record Feb. 17th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit 86A.

Plaintiff's Exhibit No. 86G.

Notice for Publication; witnesses for final proof, Jennie E. Wells, Arthur Anderson, J. I. Wells, and H. H. Wells.

Plaintiff's Exhibit No. 86H.

Testimony of witness, Harvey H. Wells, at final proof.

Plaintiff's Exhibit No. 86I.

Non-mineral affidavit.

Plaintiff's Exhibit No. 86J.

Patent to Homer C. Granger, dated Jan. 28th, 1904, for land described in Exhibit No. 86A.

Plaintiff's Exhibits Nos. 87A to 87K.**Plaintiff's Exhibit No. 87A.**

JOSEPH SULLIVAN: Residence, Boise, Idaho; occupation, contractor.

Sworn Statement, No. 745, dated and filed Feb. 12th, 1903, for entry of Northeast quarter of Section 27, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 87B.

Testimony of Joseph Sullivan on final proof, dated May 7, 1903.

Plaintiff's Exhibit No. 87C.

ANSWERS Given by Joseph Sullivan, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my business, have had it for 3 years.

Answer to Ques. 18: Yes, First National Bank, Boise, Idaho.

Plaintiff's Exhibit No. 87D.

Testimony of witness John I. Wells, on final proof.

Plaintiff's Exhibit No. 87E.

Cross-examination of witness John I. Wells, on final proof.

Plaintiff's Exhibit No. 87F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 87G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 87H.

Receiver's Receipt No. 2410, dated May 7th, 1903.

Plaintiff's Exhibit No. 87 I.

Final Certificate No. 2410, dated May 7th, 1903.

Plaintiff's Exhibit No. 87J.

Deed from Joseph Sullivan and Helen Sullivan, dated May 14th, 1903, to Horace S. Rand; consideration, \$2,000.00; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibits Nos. 87A and 88A, and filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibit No. 87K.

Patent to Joseph Sullivan, dated July 2d, 1904, for land described in Exhibit No. 87A.

Plaintiff's Exhibits Nos. 88A to 88N.

Plaintiff's Exhibit No. 88A.

HELEN SULLIVAN: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 746, dated and filed Feb. 12th, 1903, for entry of Northwest Quarter of Section 22, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 88B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 88C.

Testimony of Helen Sullivan, at final proof, dated May 7, 1903.

Plaintiff's Exhibit No. 88D.

ANSWERS Given by Helen Sullivan to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Mr. Sullivan gave it to me. Have had it several months.

Answer to Ques. 18: Yes, Illinois State Savings Bank, Chicago, Ill., and First National Bank, Boise, Idaho.

Plaintiff's Exhibit No. 88E.

Testimony of witness, John I. Wells, on final proof of Joseph Sullivan.

Plaintiff's Exhibit No. 88F.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 88G.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 88H.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 88I.**NON-ALIENATION AFFIDAVIT.**

“UNITED STATES LAND OFFICE,

Boise, Idaho, May 7, 1903.

Helen Sullivan, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #746 at this office on

February 12, 1903, for the NW. $\frac{1}{4}$ Sec. 22, T. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on May 7, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

HELEN SULLIVAN.

Subscribed and sworn to before me this 7th day of May, 1903.

EDWARD E. GARRETT.

Receiver."

"Filed May 12, 1909. A. L. Richardson, Clerk."

Plaintiff's Exhibit No. 88J.

Affidavit of Publication.

Plaintiff's Exhibit No. 88K.

Notice for Publication; witnesses for final proof, Patrick H. Downs, John I. Wells, Elizabeth Schmelzel, and Charles R. Beckley.

Plaintiff's Exhibit No. 88L.

Receiver's Receipt No. 2409, dated May 7th, 1903.

Plaintiff's Exhibit No. 88M.

Final Certificate No. 2409, dated May 7th, 1903.

Plaintiff's Exhibit No. 88N.

Patent to Helen Sullivan, dated July 2d, 1904, for land described in Exhibit No. 88A.

Plaintiff's Exhibits Nos. 89A to 89 O.**Plaintiff's Exhibit No. 89A.**

MRS. MARY THOMPSON: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 589, dated and filed Sept. 16th, 1902, for entry of Lots 1 and 2, and East One-half of Northwest Quarter, Section 19, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 89B.

Notice for Publication; witnesses for final proof John W. Rose, Andrew Hansen, Frank R. McDonald and Patrick H. Downs.

Plaintiff's Exhibit No. 89C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 89D.

Testimony of Mary Thompson, on final proof, dated January 23, 1903.

Plaintiff's Exhibit No. 89E.

ANSWERS Given by Mary Thompson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money was left me from estate of my father. Have owned it 3 years.

Answer to Ques. 18: No. Sometimes I have it loaned out, and sometimes have it at house.

Plaintiff's Exhibit No. 89F.

Receiver's Receipt No. 2276, dated January 23rd, 1903.

Plaintiff's Exhibit No. 89G.

Final Certificate No. 2276, dated January 23rd, 1903.

Plaintiff's Exhibit No. 89H.

Deed from Mrs. Mary Thompson and Thomas S. Thompson to Horace S. Rand; consideration, \$900; dated Feb. 11th, 1903; acknowledged before L. M. Pritchard, and filed for record July 1st 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 89A.

Plaintiff's Exhibit No. 89I.

Affidavit of Publication.

Plaintiff's Exhibit No. 89J.

Testimony of witness, John W. Rose, at final proof.

Plaintiff's Exhibit No. 89K.

Cross-examination of witness, John W. Rose, at final proof.

Plaintiff's Exhibit No. 89L.

Cross-examination of witness, Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 89M.

Testimony of witness, Frank R. McDonald, at final proof.

Plaintiff's Exhibit No. 89N.

Affidavit in re application postponement date of proof, and non-alienation.

Plaintiff's Exhibit No. 89 O.

Patent to Mrs. Mary Thompson, dated March 24th, 1904, for land described in Exhibit No. 89A.

Plaintiff's Exhibits Nos. 90A to 90P.**Plaintiff's Exhibit No. 90A.**

ANDREW HANSEN: Residence, Boise, Idaho; painter.

Sworn Statement, No. 591, dated and filed Sept, 16th, 1902, for entry of North One-half of the North-east Quarter, Section 22, and South One-half of the Southeast Quarter of Section 15, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 90B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 90C.

Notice for Publication; witnesses for final proof, John W. Rose, Frank R. McDonald, Thos. S. Thompson, and Patrick H. Downs.

Plaintiff's Exhibit No. 90D.

Testimony of Andrew Hansen on final proof, dated January 15, 1903.

Plaintiff's Exhibit No. 90E.

ANSWERS Given by Andrew Hansen to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I earned it in my business, have had it 2 or 3 months.

Answer to Ques. 18: No, have my money in safe at Pacific Hotel, Boise, Idaho.

Plaintiff's Exhibit No. 90F.

Receiver's Receipt No. 2266, dated Jan. 15th, 1903.

Plaintiff's Exhibit No. 90G.

Final Certificate No. 2266, dated Jan. 15th, 1903.

Plaintiff's Exhibit No. 90H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 90I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 90J.

Deed from Andrew Hansen to Horace S. Rand; dated Feb. 12th, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public, filed for record June 23d, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 90A.

Plaintiff's Exhibit No. 90K.

Affidavit of Publication.

Plaintiff's Exhibit No. 90L.

Copy of Certificate of Declaration of Intention to Become Citizen.

Plaintiff's Exhibit No. 90M.

Cross-examination of witness, Frank R. McDonald, on final proof.

Plaintiff's Exhibit No. 90N.

Testimony of witness, Frank R. McDonald, on final proof.

Plaintiff's Exhibit No. 90O.

Affidavit of Andrew Hansen in re postponement date of final proof.

Plaintiff's Exhibit No. 90P.

Patent to Andrew Hansen, dated May 24th, 1904, for land described in Exhibit No. 90A.

Plaintiff's Exhibits Nos. 91A to 91O.**Plaintiff's Exhibit No. 91B.**

SEDGWICK HOOVER: Residence, Boise, Idaho; occupation, plasterer.

Sworn Statement No. 341, filed and dated March 25th, 1902, for entry of Southwest Quarter of Section 28, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 91A.

AFFIDAVIT OF SEDGWICK HOOVER, MADE
BEFORE W. S. WADE, G. L. O. SPECIAL
AGENT.

“State of Idaho,
County of Ada,—ss.

Sedgwick Hoover, of lawful age, being duly sworn and on his oath deposes and says, that his residence is in Caldwell, Idaho. That he is the identical Sedgwick Hoover who made a T. & S. Cash Entry, No. 1874, June 18, 1902.

That ‘Dean West was the first person who spoke to him about taking up a timber claim. West sent me to Downs, and Downs located me on the SW. $\frac{1}{4}$ of Section 28, of Township 6 N., Range 4 E. I paid Downs a location fee of \$25 after coming back from

the land. John I. Wells made out my filing papers. When West spoke to me about taking up a timber claim he said there would be about \$300.00 in it for me. On the day of final proof, Wells asked me if I had the money to prove up with. I told him that I did not, he then handed me \$412.50, and told me to swear at the Land Office that it was my own money, when in truth and in part, no part of the money that I paid into the United States Land Office was my own. When I got the final certificate from the Land Office, I turned it over to John I. Wells and either Wells or Louis M. Pritchard gave me some money, I have forgotten the exact amount, but it was more than \$200.00, and not more than \$250.00, and I signed the deed to the land at the same time the money was paid to me in the office in the back part of the Sonna Block. At the time I filed on the land, I understood that I was taking it up for someone else, and that I was to get \$300.00, for taking up the land. My understanding was with John I. Wells.'

SEDGWICK HOOVER.

Subscribed and sworn to before me this 1st day of October, 1907.

W. S. WADE,
Special Agent, G. L. O."

Plaintiff's Exhibit No. 91C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 91D.

Notice for Publication: witnesses for final proof,
Wm. Judge, W. C. Lane, W. F. Noble, G. G. Gibson.

Plaintiff's Exhibit No. 91E.

Testimony of Sedgwick Hoover, on final proof, dated June 18, 1902.

Plaintiff's Exhibit No. 91F.

ANSWERS given by Sedgwick Hoover to Questions 16, 17 and 18 on Cross-examination, on Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: Worked for it, have had some of it on hand 5 or 6 years.

Answer to Ques. 18: Yes. Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 91G.

Receiver's Receipt No. 1874, dated June 18th, 1902.

Plaintiff's Exhibit No. 91H.

Final Certificate No. 1874, dated June 18, 1902.

Plaintiff's Exhibit No. 91 I.

Deed from Sedgwick Hoover and wife to A. E. Palmer, consideration, \$1000.00; dated July 4th, 1903; acknowledged before L. M. Pritchard, Notary Public, conveying land described in Exhibit No. 91B, and filed for record Feb. 29, 1904, at request of W. E. Borah.

Plaintiff's Exhibit No. 91J.

Cross-examination of witness, Willis C. Lane on final proof.

Plaintiff's Exhibit No. 91K.

Testimony of witness, Willis C. Lane, on final proof.

Plaintiff's Exhibit No. 91L.

Cross-examination of witness, George G. Gibson, on final proof.

Plaintiff's Exhibit No. 91M.

Testimony of witness, George G. Gibson, on final proof.

Plaintiff's Exhibit No. 91N.

Affidavit of Publication.

Plaintiff's Exhibit No. 91O.

Patent to Sedgwick Hoover, dated Jan. 28th, 1904, for land described in Exhibit No. 91B.

Plaintiff's Exhibits Nos. 92A to 92M.

Plaintiff's Exhibit No. 92A.

EDWARD E. BUTLER: Residence, Boise, Idaho; business man.

Sworn Statement, No. 348, dated and filed March 28th, 1902, for entry of Southeast Quarter of Section 32, Tp. 6 North, of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 92B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 92C.

Notice for Publication; witnesses for final proof, Wm. H. Lewin, Charley Patterson, Smith Barker, John I. Wells.

Plaintiff's Exhibit No. 92D.

Testimony of Edward E. Butler, at final proof, dated June 24, 1902.

Plaintiff's Exhibit No. 92E.

ANSWERS Given by E. E. Butler, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques 16: Yes, sir, I do.

Answer to Ques. 17: I drew a check for it, and got it from the Capital State Bank on my own account. For last 5 years, I received no money from anyone to replace the amount so used or drawn.

Answer to Ques. 18: Capital State Bank, about 5 years.

Plaintiff's Exhibit No. 92F.

Receiver's Receipt No. 1888, dated June 24th, 1902.

Plaintiff's Exhibit No. 92G.

Final Certificate No. 1888, dated June 24th, 1902.

Plaintiff's Exhibit No. 92H.

Deed from Edward E. Butler and wife, Elvie M. to A. E. Palmer, dated June 19th, 1903; consideration, \$1,000; acknowledged before L. M. Pritchard, Notary Public, filed at the request of W. E. Borah, Feb. 29th, 1904, for land described in Exhibit No. 92A.

Plaintiff's Exhibit No. 92 I.

Cross-examination of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 92J.

Testimony of witness, Wm. H. Lewin, at final proof.

Plaintiff's Exhibit No. 92K.

Cross-examination of witness, Charley Patterson, at final proof.

Plaintiff's Exhibit No. 92L.

Testimony of witness, Charles Patterson at final proof.

Plaintiff's Exhibit No. 92M.

Patent dated Jan. 28th, 1904, to Edward E. Butler, for land described in Exhibit No. 92A.

Plaintiff's Exhibits Nos. 93A to 93H.

Plaintiff's Exhibit No. 93A.

JENNIE E. THOMPSON: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 501, dated and filed Aug. 12th, 1902, for entry of Southwest Quarter of Northeast Quarter and South Half of Northwest Quarter, Section 34, Tp. 7 North of Range 4 East, and SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of Sec. 33, Tp. 7 N., of R. 4 East, B. M. —Relinquished as to SE.⁴ of NE.⁴, Sec. 33, Tp. 7 N. of R. 4 E—Nov. 11—1902.

Plaintiff's Exhibit No. 93B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 93C.

Testimony of Jennie E. Thompson, at final proof, dated November 11, 1902.

Plaintiff's Exhibit No. 93D.

ANSWERS Given by Jennie E. Thompson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Have been accumulating money for ten years.

Answer to Ques. 18: No, kept it in the house.

Plaintiff's Exhibit No. 93E.

Receiver's Receipt No. 2159, dated Nov. 11th, 1902.

Plaintiff's Exhibit No. 93F.

Final Certificate No. 2159, dated Nov. 11th, 1902.

Plaintiff's Exhibit No. 93G.

Deed from Sherman B. Thompson and Jennie E. Thompson to A. E. Palmer, dated March 23rd, 1903, consideration \$950.00; acknowledged before L. M. Pritchard, Notary Public for land described in Exhibit No. 93A, except SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ Sec. 33, T. 7 N., R. 4 E. B. M., and filed for record June 29th, 1903, at the request of W. E. Borah.

Plaintiff's Exhibit No. 93H.

Patent to Jennie E. Thompson, dated July 2d, 1904, for land described in Exhibit No. 93G.

Plaintiff's Exhibits Nos. 94A to 94P.**Plaintiff's Exhibit No. 94C.**

NORMAN H. YOUNG: Residence, Boise, Idaho; occupation, bookkeeper.

Sworn Statement No. 321, dated and filed January 22d, 1902, for entry of South One-half of the Northwest Quarter of Section 17, and Southeast Quarter of Northeast Quarter, and Northeast Quarter of Southeast Quarter, of Section 18, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 94D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 94E.

Testimony of Norman H. Young, at final proof, dated April 14, 1902.

Plaintiff's Exhibit No. 94F.

ANSWERS Given by Norman H. Young, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Savings from my wages, and collections from a former business; I guess about a year or over.

Answer to Ques. 18: No, I have kept my money in certificates of deposits, and state warrants. Banking business has been with the Capital State Bank, Boise.

Plaintiff's Exhibit No. 94G.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 94H.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 94 I.

Testimony and Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 94J.

Receiver's Receipt No. 1931, dated July 16, 1902, of witness.

Plaintiff's Exhibit No. 94K.

Final Certificate No. 1931, dated July 16, 1902.

Plaintiff's Exhibit No. 94L.

Deed from Norman H. Young to A. E. Palmer, Nov. 10, 1904; consideration \$1,000.00; acknowledged before James McDevitt, Notary Public, and filed for

record at the request of A. A. Steunenberg, December 30th, 1904. Conveys land described in Exhibit No. 94C.

Plaintiff's Exhibit No. 94M.

Notice for publication; witnesses for final proof, John U. Cassell, John Kinkaid, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 94N.

Certificate of Register and Receiver, as to postponement of date of final proof.

Plaintiff's Exhibit No. 94O.

Affidavit of Norman H. Young, in re postponement date of final proof.

Plaintiff's Exhibit No. 94P.

Patent dated January 28th, 1904, to Norman H. Young, for land described in Exhibit No. 94C.

Plaintiff's Exhibit No. 94A.

Statement of Norman H. Young, dated Boise, Idaho, April 3, 1907, before the Grand Jury.

"STATEMENT

of

NORMAN H. YOUNG

Boise, Idaho, April 3, 1907.

Q. What is your business?

A. Bookkeeper.

Q. What was your business along in 1901 and 2?

A. I was following the same occupation.

Q. Where were you working then?

A. Falk Mercantile Company.

Q. Were you a Notary Public at one time?

A. Yes, sir.

Q. In what county? A. Boise County.

Q. You were not then a bookkeeper for the Falk Mercantile Company?

A. I was a Notary Public for about 12 years consecutive. My term hadn't expired.

Q. I am speaking about whether you were a Notary Public at the time you were working for the Falk Mercantile Company. A. Yes, sir.

Q. What were you doing up at Centerville, were you working at Centerville at any time?

A. I was working in father's store, and Assistant Postmaster.

Q. What was your salary and income at the time you were at Centerville, and when was it you were in Centerville?

A. I was manager of store, proprietor of a store rather,—

Q. I am speaking of the time of these timber transactions.

A. Well, I was the owner of a store before that.

Q. What were you doing at the time these timber lands were being taken up in Boise County?

A. Possibly my salary in the Post Office and with father would amount to about \$125 a month, my income.

Q. Did you own any real estate?

A. Yes, sir.

Q. Where was your real estate at that time situated? A. Centerville.

Q. Of what did it consist?

A. Town lots and some mining property.

Q. Did you dispose of that?

A. Yes, sir.

Q. What did you get from it?

A. The sheriff got about \$1500, it was sold under execution.

Q. You were closed out in business?

A. Yes, sir.

Q. By attachment?

A. Yes, sir, prior to my coming to Boise though.

Q. What year were you closed out by attachment?

A. I was closed out in '89, you don't want anything prior to the taking of the timber lands do you?

Q. Go ahead from that time, from the time you were closed out until these timber lands were taken up.

A. I worked for my father until February, 1891—

Q. 1901? A. Or 1901, yes, sir.

Q. What did you do then?

A. Came to Boise to work and commenced in April for the Falk Mercantile Company.

Q. Of 1901?

A. I believe my dates are right.

Q. Now, are you a married man?

A. No, sir.

Q. Single. Who first spoke to you about taking up a timber and stone claim?

A. Just that I couldn't say.

Q. Well, Pat Downs located you, didn't he?

A. No, sir.

Q. Who located you?

A. I acquired my information from conversation with Mr. John Kinkaid.

Q. From John Kinkaid?

A. From conversations, yes, sir.

Q. How long had you known Kinkaid prior to this time? A. Several years.

Q. Now, give us the conversation that took place between you and Kinkaid about the timber matter?

A. He came into the—we had one conversation prior to his coming to the office of the Falk Mercantile Company on some other business matters.

Q. What was the first conversation?

A. We had some conversation in regard to taking a claim, I expressed a desire to get a location, mentioned in fact that I had been a resident of Boise County, and I had considered the proposition before anyone had been in the field, and when he came into the office several months afterwards he said he knew of an abandoned, or someone hadn't proved up on a piece of land, some woman, that she had made application, and gave me the situation and told me where it was, and I was thoroughly familiar with the tract and realized it was as good a tract as there was in that section, and I told him I thought I would take that.

Q. Who was it you told that?

A. John Kinkaid.

Q. Did he draw up your papers?

A. I am not sure, but I think I fixed my own papers.

Q. And went up to the land office and filed?

A. Yes, sir.

Q. You didn't go out to the land at that time?

A. No, I went afterwards, but I had been over the land in August.

Q. Who gave you the description of the land?

A. John Kinkaid.

Q. And you filed in the land office and afterwards went up to verify your information?

A. Yes, sir.

Q. How did you know that you had been on this land by the description of it without having gone up there to see?

A. I had been on the land every year for about twenty years, I guess.

Q. You had been in that country, but the proposition is as to the particular quarter you may not have known that.

A. It runs about a quarter of a mile from the stage road and I was up in the hills a great deal, and was there when the survey was made.

Q. Who made out your papers for you?

A. I think I made them myself, I am not sure as to that.

Q. Didn't Kinkaid make out your papers for you?

A. No, I think I made them myself.

Q. That is Kinkaid's writing, isn't it?

(Showing witness paper.)

A. Yes, sir, I made out so many papers when I was in Boise, for other people that I thought I had made my own.

Q. Now, you knew that Kinkaid had been in this business of locating people up there and was in the

timber business before that, didn't you?

A. Yes, I didn't know of him being a locator.

Q. Of him being in the business and handling timber?

A. I didn't know about that, I knew he was in that business.

Q. You had had some conversation had you not?

A. In reference to timber lands, yes, sir.

Q. What was the conversation?

A. As I stated before, that I considered it a good idea to take up some timber land.

Q. And you discussed the question generally, not particularly your own claim, but in connection with others?

A. No, sir.

Q. Didn't he ever talk with you about some other people's claims?

A. No, sir.

Q. You say he told you about the land?

A. Yes, sir.

Q. Did you have any business connections with John I. Wells?

A. Yes, sir, to my sorrow.

Q. Did he have anything to do with your timber matter, did you ever have any business in reference to timber with Wells?

A. In the matter of location?

Q. Yes, sir.

A. No, sir, he was one of my witnesses.

Q. Did you ever have anything to do with him in regard to other people's claims besides your own?

A. I had been a witness several times. I was witness for I forget now who.

Q. Who asked you to be a witness for other people, Wells?

A. No, sir, the people who came to the office and asked me to be, that I was acquainted with.

Q. Wells didn't locate you? A. No, sir.

Q. Had nothing to do with locating your claim?

A. No, sir.

Q. You are certain on that point?

A. Yes, sir.

Q. Where did you get the money to locate your claim and pay for your claim?

A. I had some money in the banks.

Q. What banks?

A. Mr. Garrett has a record of the Certificates of Deposits I had.

Q. That is not the question.

A. Capital State Bank.

Q. Of Boise?

A. And I think I had one certificate on the Boise City National, I am not sure, I had one of the First National Bank; I had been saving my salary right along and depositing it in one bank or the other.

Q. You drew the money out of the bank, did you? A. Yes, sir.

Q. How long had you had it there before making proof?

A. I had had some in Ada County warrants for ten months, I sold them in January, Ada County General Warrants.

Q. Who did you sell your land to?

A. I sold it to Palmer, I think that is the name, of Spokane.

Q. Who did you sell it through?

A. John I. Wells.

Q. What were you given to understand this claim was worth when you filed on it?

A. I had no idea.

Q. What did you get for it?

A. I got \$700.

Q. When Wells spoke about taking up this claim, or locating it for you, did he say anything about giving you \$700 for it?

A. No, sir, I had no conversation with Wells at no time in regard to the matter.

Q. Well, Kinkaid then? A. No, sir.

Q. What did you do with the money when you got it? A. Put it in business.

Q. How much money did you put into business?

A. I put it all in.

Q. \$750? A. \$700.

Q. And you put that all into business?

A. Yes, sir.

Q. What business? A. In Centerville.

Q. How much—what character of business was it? A. General merchandise.

Q. And was that all that you had at that time, you put into that business? A. Yes, sir.

Q. And that was \$700? A. Yes, sir.

Q. And you had no other moneys besides that?

A. Yes, I had other money besides, I had an interest in a store.

Q. Did you have any other store beside the one you put your money into?

A. No, it was father's.

Q. Prior to that time, you had had no interest in it, had you?

A. We are talking now about 1905 and 6.

Q. I care nothing about 1905 and 6, you sold your timber claim before 1905 and 1906.

A. I paid taxes for two years on it. I sold it in 19— I am not sure what year it was, I held it for two years.

Q. Did you quit working for the Falk Mercantile Company and go up to work at Centerville?

A. Yes, sir.

Q. You say you paid taxes for 1904?

A. I am not sure as to that, I paid taxes for two years on it.

Q. Two years? A. Yes, sir.

Q. You certainly didn't pay any taxes before you got your final receipt, did you, because land isn't subject to taxation before final receipt issues.

A. I know I paid two years taxes, the first year fourteen something and the next year sixteen and something, they raised the taxes on me.

Q. How soon after you got your final receipt did you sell? A. Something over a year.

Q. How much over a year?

A. I couldn't say, I had the final receipt in my safe for quite a while, a long while before I made any deal with anybody to sell it, and I found I needed the money and did sell it.

Q. Think it was as much as six months?

A. Yes, sir, more than that.

Q. As much as a year? A. Fully a year.

Q. From the time you got your final receipt until you sold?

A. Yes, sir, to my knowledge. When I went to

Kinkaid's office, he had a blue print map of the land, and Wells showed me where the location of this land was, but it wasn't located through Mr. Wells at all, it was through John Kinkaid.

Q. I will ask you to detail just what steps you took for Kinkaid or Wells or anyone in connection with taking up the land in Boise county, all the connection that you had with this matter and through whom, if you did anything officially or privately, just go ahead and tell it all.

A. Do you want me to start in at the first?

Q. Yes, start right in at the first.

A. Well, I had lived in Boise County my entire life except what time I spent here at school, and became acquainted with John Wells through his business transacting with me and in the mercantile business, and at the time that the locations were first made, I was employed by the Falk Mercantile Company, and I was—now let's see—I was first spoken to by Mr. Kinkaid who asked me if I had thought anything of making a filing on any land, and I told him I had such a thing contemplated, and he says when I made my filing we could make our filings together, he says, "I am thinking of making one also." That is the first and only conversation that I had in regard to myself taking any timber up to the time that Mr. Kinkaid came into the office of the Falk Mercantile Company and notified me of this abandoned claim which I afterwards filed on through him. After proof was made Mr. Wells says, "I hope you make something out of this land." After I had quit my position at Falks,

I went back to Centerville and engaged again with my father in the mercantile business, and having an old account against John Wells, and after I had received my patent, I called him up over the 'phone and asked him if he couldn't make me a payment on his account, told him I was hard up, which was virtually the case. And he 'phoned back, "Why not sell your timber claims," and I asked him how much he could get for it, and he says \$700, and I told him I would think over it, and a short time afterwards he 'phoned me that he was coming to the basin, and he would bring the money with him for me if I would take it for my claim. I studied a while because I rather wanted to make the collection and hold my claim, but I had to have some money. Then he came up in a buggy and brought some money into the store and deposited it in my safe, the amount I did not know, he put it in an envelope and deposited it in my safe. That evening he asked me if I wanted to sell my claim, that he had the money with him to buy it, I thought it over and told him yes, I would accept that. And he had a deed drawn up to this man Palmer, the consideration in the deed was \$1,000 and I signed the deed, and afterwards had it acknowledged before Mr. James McDevit of Placerville, not, however, until I had held the deed for quite a while, because I wanted to get some more money on the claim. During the time the deed was in my possession, I paid the taxes, but they were refunded to me, or at least according to my memory, one was refunded to me, I think, but I have forgotten the circumstances.

Q. Do you recall by whom?

A. I can't recall now, I think I was only out one tax.

Q. Was it by the assessor it was refunded?

A. I couldn't say.

Q. It was refunded to you by some one of the people you sold to? A. Yes, certainly.

Q. Either by Kinkaid or Wells or someone?

A. Certainly it was in that way.

Q. They had conversation with you in reference to your transacting some business for them in the shape of notary work, did they not?

A. Yes, sir.

Q. Who did you have that conversation with, and where was it and when?

A. That was principally with Wells and Mr. Kinkaid.

Q. What was the conversation, what was the arrangement or the transaction, the substance of it?

A. There was no special arrangements made except as to some specific cases they would turn over to me to get acknowledgments, only in a general business notary way, that was all.

Q. Well, in some instances did you not place your notarial seal upon some documents where the party was not before you?

A. I have never done that except in one or two instances where I had communications over the 'phone with the parties.

Q. Well, what were those one or two instances?

A. I couldn't say.

Q. Wasn't it at the request of, or wasn't the deeds handed to you, or sent to you by Kinkaid or Wells that had been signed by the entrymen, and you placed your notarial seal upon them?

A. If you give me the name I might be able to recall it, otherwise, I don't know as I could.

Q. You wouldn't say that that didn't happen?

A. No, I wouldn't say that that didn't occur.

Q. You had something to do at the request of some of these people in regard to forest fires, didn't you?

A. Yes, sir.

Q. Now, what was that?

A. That I was to take charge and look out for any forest fires in my immediate vicinity.

Q. Who made that arrangement with you?

A. Why that was made through arrangement with the party by telephone, it wasn't either of the parties we were speaking of.

Q. Well, who was it?

A. I think it was the Barber Lumber Company, or someone in their employ.

Q. Was it Governor Steunenberg?

A. Yes, I had communication with him.

Q. You also had communication with Steunenberg, or was Steunenberg the party?

A. Well, the first telephone I had was from someone in the office of the Barber Lumber Company, I didn't know who it was.

Q. They told you this was the Barber Lumber Company?

A. Yes, sir, I was the telephone operator there and they asked me in regard to the extent of the

fire, etc.

Q. What did the Barber Lumber Company ask you to do in connection?

A. Simply as I told you to look out for it, and hire men if necessary to extinguish the fire.

Q. What compensation did you receive?

A. I received none at all.

Q. Did you employ some men?

A. Yes, sir.

Q. How many men did you employ?

A. I think we had eight, or as high as 12 at one time, one large fire there.

Q. Were they paid through you?

A. Yes, sir.

Q. In what way, by check? A. Yes, sir.

Q. Signed by who? A. I couldn't say.

Q. Well, was it the Barber Lumber Company, or yourself? A. I couldn't say that.

Q. Or was it Steunenbergs?

A. I couldn't say as to that—in what way whether it was placed to my credit here at the bank, or I received it by check, I couldn't say.

Q. In any event, you employed these men on behalf of the Barber Lumber Company?

A. Yes, sir.

Q. Now, what was the date of that, was that before you took your timber claim or afterwards?

A. Two or three years afterwards.

Q. Now, what conversation did you have with Steunenbergs in reference to it, you say you afterwards had a conversation with him, now what conversation did you have with him?

A. He telephoned me as to the extent of the fires, and the damage they were doing, and I told him they were, as best I could, the grounds that were being burned over, and the danger of it spreading, etc., from time to time.

Q. Now, what year was that?

A. 1904, I think.

Q. Had you sold your timber claim before this?

A. Yes, but I hadn't given any deed yet, I hadn't signed no deed on account I wanted more money out of it.

Q. But you had sold your claim?

A. Virtually, yes.

Q. Who did Steunenberg say he represented?

A. No intimation at all.

Q. Had you ever had any talk with reference to this?

A. The first conversation I had with Steunenberg in any way in connection with the timber deals.

Q. You never met him prior to that in reference to that? A. No, sir.

Q. Did you ever have any communication by letter from him?

A. Only after I was notified to look out for the fires, and that was by 'phone.

Q. Did you have a talk with him after the fires were out?

A. He was in the basin two or three times, but I can't remember any conversation with him.

Q. Now in your own entry, your own deed you acknowledged that before McDevitt, did you?

A. Yes, sir.

Q. How long did you say you held that deed after it was brought up to you by Wells?

A. Over a year.

Q. Where was McDevitt, the notary?

A. Placerville.

Q. Was McDevitt's name in the deed at the time Kinkaid sent it up to you by Wells?

A. I couldn't say.

Q. Who drew the deed?

A. I think it was Mr. Kinkaid.

Q. Now, didn't you sign more than one deed?

A. The first deed was a typewritten one, I believe.

Q. How long before the execution of the second deed was the first one, the typewritten deed?

A. I couldn't say, it was a correction of some error in the original deed.

Q. When was that correction deed signed?

A. The details I haven't refreshed my memory, haven't given it any thought since.

Q. The correction deed was executed before whom, McDevitt?

A. I think he was the only notary in the neighborhood.

Q. The first was a typewritten deed, and then afterwards you had another deed?

A. Yes, sir, a printed deed.

Q. When you say printed deed you mean this kind of a deed. (Showing witness paper.)

A. Yes, sir.

Q. But the first one was a typewritten deed?

A. I wouldn't say positive, but it is my impres-

sion that it was.

Q. Now, the printed deed was it acknowledged by you on the 10th day of November, 1903, that is your signature. (Showing witness paper)?

A. Yes, sir.

Q. That is correct, is it?

A. It strikes me that it should be 1904, I won't say as to that.

Q. Well, it bears date of November, 1903, and the deed is in your handwriting; the date of the acknowledgment, the 10th day of November, 1903, was written by yourself, was it not?

A. Yes, sir, but it shouldn't have been 1903, I am sure. I think the typewritten deed is the one that corrects that, I know it wasn't 1903, because that is the deed I held for so long, it was in 1903 that Wells came in there, and I wouldn't give him any deed then.

Q. Well, how long did you hold the deed?

A. It was over a year as I said.

Q. The Barber Lumber Company afterwards sent you another deed, didn't they, and quit claim deed?

A. Yes, sir, that is it, there was another deed sent, that straightens it out.

Q. Where did you execute that deed?

A. I don't know, I don't remember.

Q. Who sent you that deed?

A. It came from Boise, I think it was the Barber Lumber Company, it bears a number down one side of the deed, I think it was the Barber Lumber Company.

Q. Now, what did these people give you to understand this claim of yours would sell for when you procured it? A. No understanding then.

Q. Didn't you understand about what it would bring you?

A. No, sir, they considered the value of a timber claim at that time was about a thousand dollars.

Q. Wasn't they only paying \$650. That is \$250 for getting people to take up claims?

A. I have heard so.

Q. Who did you hear from?

A. Street gossip, I heard \$150.

Q. Who told you?

A. No one ever told me.

Q. Didn't you have a conversation with either Wells or Kinkaid or some people connected with this matter that \$250 was all they were paying for people to take them up and transfer them to them?

A. No, sir. They told me that \$700 was all my claim was worth, all they could get for it.

Q. Didn't they tell you that was more than they were paying others for it?

A. No, I don't believe they did.

Q. Do you remember, Mr. Young, having taken Mr. Arthur Anderson's acknowledgment on application for hearing in the matter of the contest against his entry?

A. I remember something of it in an indistinct way.

Q. On the 10th of January, 1903, you took his acknowledgment to such an application, you sworn Mr. Anderson to an affidavit for an application for a

hearing, do you remember that?

A. Hearing before the land office?

Q. Yes, sir. A. Yes, sir.

Q. Anderson signs by mark—who brought that paper to you?

A. I received it in the mail, I think.

Q. From whom?

A. From John Kinkaid, I think.

Q. And you returned it to him?

A. To the best of my knowledge, yes. If I had my notary records here I could tell you something about it.

Q. Did you keep a record?

A. As required by law, yes.

Q. There is none required in this state, is there?

A. It was when I first took charge.

Q. Now, Mr. Young, on the 21st day of June, 1905, you took Mr. Anderson's acknowledgment, and also signed his name for him to an relinquishment and waiver of any rights he might have as to his entry, do you remember that?

A. Yes, sir, I think John Wells brought that up.

Q. John Wells? A. I think so.

Q. Who was with John Wells at that time?

A. I couldn't say, let's see, June, 1905.

Q. Yes, a year ago last June, along about, or a short time before the dedication of that Odd Fellows Hall at Placerville.

A. I can't recollect whether Mr. Wells brought that or not.

Q. Was Frank Martin present at that time?

A. That is who brought it to me, I think.

Q. It was Frank Martin that brought this paper to you, wasn't it, and not Wells?

A. I know that someone brought it there to me at that time, I know it wasn't sent by mail I remember that distinctly, but I was trying to recall whom I did that business for or with.

Q. And at the same time you took the acknowledgment of James T. Balls? A. Yes, sir.

Q. And Harvey H. Wells? A. Yes, sir.

Q. And Ed. Hunter?

A. Yes, sir, four of them.

Q. Now, Frank Martin was present, and brought them to you?

A. They were brought by him, I believe, I won't say him, but I will say they were brought by someone, and I think it was Martin possibly.

Q. Was there any money paid Arthur Anderson at that time?

A. I didn't see any, none to my knowledge.

Q. Was there any money paid to any of these parties named, Balls, Wells or Hunter?

A. Not to my knowledge.

Q. You knew from statements made by these people, Wells and Ball and Hunter, about how much they got out of the timber filings didn't you, didn't you ever hear them say?

A. I never heard them state, I have heard hints that is all.

Q. It was common rumor and report at Center-ville? A. Yes, sir.

Q. They were to receive \$250, and only got about

\$150, wasn't that it?

A. Yes, sir. I can only state that in regard to Hunter and Anderson, the other fellows I never heard make any statement.

Q. You also took a part in the forest fire of 1903, did you not for these people? A. Yes, sir.

Q. Who paid you in that year?

A. I couldn't say.

Q. Steunenberg? A. I couldn't say.

Q. You had charge of the fighting of those fires there—George T. Young is your father?

A. Yes, sir.

Q. Is your father alive? A. Yes, sir.

Q. You had charge of fighting those fires both times yourself, did you not?

A. I had charge of the fires for several years.

Q. Your father was paid a check for the year 1903, wasn't he?

A. I think probably they would all be drawn to my father on account of the banking account being kept in his name.

Q. Do you recall getting a check for \$167, September 25, 1903, or \$108, and \$59 making \$167?

A. That was an apportionment of the amount between the Government and the Barber Lumber Company.

Q. Do you recall having received that check from the Barber Lumber Company through Governor Steunenberg?

A. No, sir, I can't recall that amount.

Q. In any event, you received pay from the Barber Lumber Company through your father in Sep-

tember, or in the year 1903 for fighting those fires up there? A. Yes, sir, September.

Q. Did you receive more than one check in that one year?

A. I don't know, Mr. Johnson, I kept no record of those matters.

Q. Well, about how much did you receive from that source? A. I couldn't say.

Q. Do you recall who paid you through what source?

A. I know I have received checks from the Governor, from Mr. Sharp, and also from some other parties, I don't remember what proportion.

Q. Do you recall who the other parties were, do you recall having received a check signed Frank Steunenberg, Agent?

A. I don't remember how it was paid. Yes—it wasn't Steunenberg, though.

Q. Well, who was it?

A. I remember something about that now, but I don't know now, I couldn't say whether Steunenberg drew it nor what bank it was drawn on, I can't remember those things, small details, I never paid much attention to.

Q. In this notary work that you done there for Martin, Martin paid you, did he?

A. Yes, sir.

Q. And in this notary work you done for Kinkaid, when he sent these papers up, did Kinkaid pay you? A. By money order, yes, sir.

Q. In taking acknowledgments of the deeds for these people, they were paid by Kinkaid or by Wells?

A. Yes, sir, all their work was paid for by them.

Q. Any paid to you by the entrymen themselves?

A. No, I don't believe so.

Q. In every case that you recall where you took an acknowledgment, the notary fees were paid by Kinkaid?

A. I think they were because the papers were usually handed to me to be attended to, or mailed to me, or the parties were with the parties to make the acknowledgment.

Q. You have no recollection of any claimant ever paying you anything for notary work?

A. No, I have no recollection of it.

Witness excused.

April 3, 1907.

NORMAN YOUNG, Recalled.

A. In asking me in reference to my checks from Steunenbergs, I received checks from him for representation on mining claims, but they would be dated January or February.

Q. Of what year?

A. Of 1904, and I think I had representation done on his Buckskin group in 1905.

Q. Have you any data in your possession in reference to this matter?

A. No definite data, just thinking the matter over while I was at lunch.

Q. Yes, but you received some checks or your father received for you from Steunenbergs on these timber fires?

A. Yes, but they would be dated during the fall months, they wouldn't be dated in January or Feb-

ruary. In thinking the matter over, there was some delay in receiving the money from Steunenbergh, I don't know but I called you (Mr. Sharp) up.

Q. What do you know about those papers that were sent to you on these Anderson contests, what conversation or letters did you receive from Kinkaid in reference to those papers that you signed as notary public.

A. He wrote me to the best of my recollection in a general way to see these parties at as early a date as possible, and see that the papers were properly executed and returned to him at once, to the best of my knowledge.

Q. You knew of the case before then?

A. Yes, sir.

Q. And had a talk with Kinkaid about them?

A. No, sir.

Q. You knew of them from talking with the entrymen themselves?

A. Yes, in a general way, you might say.

Q. Well, how did you come to be transacting business for Kinkaid?

A. I had mining deals with him, and had done quite a bit of his notary work along mining lines, securing leases and options, etc., for him.

Q. You were rather associated with Kinkaid in some of these matters?

A. Only in the way of debtor and creditor.

Q. You knew enough about his business to know what he was doing up there in locating these claims and the general arrangements with the entrymen, you knew they were advancing the money to the

entrymen and giving them \$250 for their right?

A. Only in a general way.

Q. Didn't you know that from conversations with Wells and Kinkaid, yourself? A. No, sir.

Q. Don't you recall a conversation with Kinkaid and Wells in which they told you yourself, that you could take up this claim and that the money would be furnished and that there would be \$250 in it for you?

A. No, sir, I never had any conversation along those lines.

Q. Did they tell you that they money would be furnished? A. No, sir.

Q. And wasn't the money furnished you through other sources than your own self?

A. No, sir, I had my own funds to prove up on my lands, I wouldn't have done it if it had been otherwise.

Q. Where did you say you had this money?

A. I had certificates of deposit in three banks.

Q. In whose name? A. My own name.

Q. Prior to the time this entry was made?

A. Yes, sir, some that had been there 6 months and drawn interest and then re-deposited again.

Q. What banks was it?

A. Capital State, Boise City National, the First National to the best of my recollection was only a short time deposit check.

Q. What was the amount you had in the Capital State?

A. I couldn't give you any idea of the amount in any of them, I know I had \$285, in Ada County Warrants up to January on the General Fund.

Q. January of what year?

A. 1902, the year I made my application.

Q. Did you cash those warrants yourself?

A. Yes, sir.

Q. Whereabouts?

A. At the treasurer's office, Mr. Eagleson, the Capital State Bank.

Q. 278?

A. Two hundred and eighty odd dollars.

Q. What did you do with the proceeds?

A. I think I had that at the store, I can't remember my finances particular on that score where I kept my money.

Q. Well, is that the money you used for proving up with? A. Yes, sir.

Q. How long was it after you cashed your warrants until you used that money to prove up in the land office?

A. It was sometime, it must have been two months or more, I don't know exactly what time it was, I can't remember much about that.

Q. A month or two months?

A. A month and a half I should imagine.

Q. Well, then, if it was only a month and you had \$278 you would still have some more money.

A. I had certificates of deposit.

Q. Did you use them?

A. I turned the certificates in to Mr. Garrett, yes, sir, one or two of them.

Q. What were the amounts of the certificates, were they just even \$412.50?

A. No, sir, they were more than that in the aggre-

gate, I can't remember the amount, I know I wasn't broke after I paid by fees.

Q. Did Garrett give you back the change after you turned over the certificate of deposit?

A. I think I had \$420, in the land office, I forget now exactly, I know I got some change back.

Q. Now, what was the first thing you did after getting your final receipt, what did you do with that final receipt, take it to Kinkaid or Wells?

A. No, sir, I kept that.

Q. How long did you keep it?

A. Until Mr. Garrett told me to surrender it for the patent.

Q. Well, you had sold your land before the patent came.

A. I don't think I had. I'll tell you one thing, I am not positive as to dates and things of that kind, because I never made it a matter of record, and I have so many details to look after I can't remember.

Q. You were indebted and expected to be attached,—everything was being transacted in the name of your father?

A. Yes, but I had property in my own name, and have some still.

Q. They didn't have sufficient faith in you but what they did attach?

A. That was a different condition.

Q. You were still in an embarrassed condition at the time you took up this claim?

A. Yes, but I had liquidated my indebtedness, but the people I knew wouldn't bother me, because they told me they wouldn't.

Q. Well, but you were still indebted to these people—you mean to tell me you put up \$400 into a timber claim and didn't know when you could get it out, and these other people were transferring the same day that they made proof. You got your money as soon as you made proof in the land office or in a very few days.

A. I will tell you the only money I received from John Wells, he paid me \$400 on his private account and I give him a receipt on his private account.

Q. When was that?

A. That was in—I am not sure what month it was, I have it on my books.

Q. That was the time you proved up?

A. No, sir, it was after.

Q. How soon after—wasn't it the same time you made your proof?

A. No, sir, it wasn't. I want to be candid with you if you want to know about my private affairs, he paid me money on his \$900 indebtedness without counting any interest.

Q. What did he owe you for?

A. For merchandise supplied his family, he and his bum brother.

Q. When was it he gave you the \$400?

A. He gave me the four hundred dollars sometime in the spring months that I went back to open up business.

Q. 1902? A. Yes, sir.

Q. Was it just before you made your proof in the land office, or within a short time after you filed?

A. No, sir.

Q. Well, now is it a fact that after you filed on this land, when Wells and Kinkaid spoke to you about filing on this land as you said this morning, is it not a fact that you stated it would require more money than you had, and Wells said "All right, I will see that you get the money," and you said, "All right, if you will get the money?"

A. No, Mr. Wells several times when I dunned him, he promised to make me a good payment, that is all the assurance I had.

Q. That was before you paid the money in the land office?

A. Yes, sir.

Q. After you filed?

A. No, sir, not after I filed.

Q. Well, when was that?

A. That was along in the fall months.

Q. What did you do with the money?

A. He promised me a substantial payment, I said.

Q. I said what did you do with the \$400 that Wells paid to you?

A. I used some of it in paying off my indebtedness.

Q. You were hard up were you?

A. Not particular, I had eased myself up with my work, and my collections.

Q. But you had some indebtedness and you took part of this \$400 and used to pay off the indebtedness?

A. I did, yes, sir.

Q. How much did you have left?

A. When I went back to Centerville, I had with my life insurance, I think I had, I would have to

look at my day-book and journal to see.

Q. That wasn't sufficient to pay all your indebtedness, was it? A. Nearly so, yes, quite.

Q. But still you needed money?

A. Yes, I needed a little ready money, of course, a person going in business would.

Q. That was in the fall and you needed a little ready money?

A. I am speaking about when I went home.

Q. You say it was the fall when he gave you the money? A. In the spring months.

Q. Of what year?

A. I think it was in June or July, I went home.

Q. What year? A. 1902.

Q. Certain of that, are you?

A. I ain't certain about anything when it comes to dates. There is one thing I didn't need the money unless I was going back to go into business which I did.

Q. You needed it then?

A. Yes, sir, I needed it then, if I was going back.

Q. Well, you did go back?

A. Yes, sir, I went back.

Q. And you used the money in paying off some obligations.

A. I won't say just how long it was.

Q. Yet it was the same spring you took up your timber claim, 1902, when you got your final receipt?

A. Well, what do you call the final receipt?

Q. The receipt for the payment of the money in the land office.

A. I proved up in April, did I not?

Q. Was it sometime after you proved up before you got your final receipt?

A. I got my final receipt at the same time.

Q. You got your final receipt in July?

A. He gives you a receipt for your money.

Q. Gives you a receipt that you paid \$412.50 and on the surrender of that receipt you would be entitled to your patent.

A. He gave me a receipt first and then he gave me a typewritten receipt, and then I sent that back by registered mail, and got my patent, and it was in the spring months that I proved up, and I think it was just before I went home, I wouldn't say positive, but I think Mr. Wells paid me the money, but I want it distinctly understood that I had no agreement or arrangement with Mr. Wells in regard to the transfer of my property.

Q. In the spring months of that year, about the same time that it was necessary for you to advance money in the land office, this man Wells advanced \$400 to you—it is a peculiar thing that he advanced you \$400—

A. It was afterwards, but it was without any suggestion, I am sure on that point, that there was no consideration to transfer my property or rights at no time to them or anyone else in this timber claim.

Q. You were not given to understand that they advanced the money? A. Not in the least.

Q. Supposing Mr. Wells said himself that he advanced the money?

A. He may say so, but I received that money on

his account, and he says "I hope you make the most you can out of your timber claim."

Q. When was that?

A. The day in the land office after I got my receipt.

Q. What did he say when he gave you the money?

A. "Apply this on my account."

Q. And that was how long before you used it in the land office?

A. That was after I paid my money in the land office, after I got my receipt, I am positive as to that, and before I quit my position at Falks.

Q. How soon was it after you paid this money in the land office that you transferred the land?

A. I didn't make the transfer until Mr. Wells telephoned, I telephoned Mr. Wells for some more money, and he came up with \$700 and brought the deed, along for me to sign.

Q. When was that?

A. 1903, I think it was, in the summer time, I think he came in a buggy.

Q. You mean to tell me in the face of the facts we have in our possession that you didn't sign a deed, or that you didn't get the money, a payment on your land until the year 1903?

A. Did I locate in 1902?

Q. Yes, sir.

A. Then it must have been in 1903, I had moved, I had my store enlarged because I wanted to change the position of my safe. Before that time the office had been back in the other room.

Q. Did you take the acknowledgment of a Mr.

Glass to a deed?

A. Yes, sir, there was a deed sent back to me and I took his acknowledgment very recently, within the last two years, I guess it was.

Q. Who sent it to you?

A. I got that from Mr. Wells, he telephoned me about it.

Q. What did he say to you?

A. That he was sending up a deed, that Mr. Glass didn't answer his letter, that he sent a deed to Mr. Glass and he didn't answer his letter, and for me to see him and get the deed and return it to him.

Q. What reason did he give?

A. That Mr. Glass didn't answer his letter.

Q. What reason did he give that he wanted the deed signed? A. Didn't give any.

Q. You had previously taken the acknowledgment of the man in September, 1902?

A. I had forgotten as to that.

Q. Did the man sign the deed?

A. Yes, sir, he and his wife signed.

Q. And here is another one, Homer C. Granger that you took the acknowledgment, and the claim was transferred at the same time that the land was proved upon, and you put the acknowledgment and the deed is dated later, now what about that, is there more than one deed to that?

A. I don't remember of making the second one, Glass was the only one that my attention was called to.

Q. Did you have some understanding about leaving the acknowledgment blank or else putting a later

date in? A. No, sir.

Q. Why did you put a later date on?

A. The date that I received the acknowledgment, I would always put on.

Q. You have left it in blank?

A. No, I never executed one in blank. It isn't policy to do so.

Q. In any event if the date was in there, you put it later than it actually was?

A. What do you mean, my acknowledgment, or the date of the instrument?

Q. Your acknowledgment, the date of the deed and the date of the acknowledgment were all at a later date than the deed was actually signed, for instance the date of the acknowledgment and the date of the deed would be 1903, while as a matter of fact, the deed was signed in 1902.

A. Well, probably they didn't appear before me for acknowledgment until later.

Q. No, sir, they say that was the time they appeared before you.

A. I am always verified on my acknowledgment, I never change that.

Q. How many of these deeds did they send to you to be executed the second time?

A. I didn't know whether I was executing a second deed or not at the time I was executing any of them with the exception of Mr. Glass.

Q. Then there is Michael Koppas, when did you take that acknowledgment, when was that deed executed before you as a notary?

A. I couldn't say what time it was.

Q. 1902?

A. He didn't sell his claim until 1905, the time he went to California.

Q. Well, when was it you took the acknowledgment? A. I couldn't say.

Q. What were the circumstances attached to that, where was that acknowledgment taken?

A. That was taken at Centerville, he lived in Centerville.

Q. Who sent you the deed?

A. Do you know that it was I that took the acknowledgment in that case?

Q. Norman H. Young.

A. I will tell you the reason I asked that question. I was doing some real estate business for Koppas too; he sold his ranch and I don't remember Mr. Koppas' transaction at all. Only I remember that he came to Boise and sold his claim for \$1,000 just before he went to California in 1905.

Q. Do you recall a conversation that took place up there at Centerville at the time this man Anderson signed that relinquishment that you acknowledged as a notary, in reference to he didn't care a continental about the proposition, he didn't have no interest in it, it wasn't his money?

A. Yes, the old man told me he was tired and sick of it, or something like that and wished he had never got into it.

Q. And that it was their money and not his?

A. He said he was sorry he ever got into it.

Q. I know, but do you recall his saying that it was their money and not his and he didn't care

whether he got it back or not?

A. I don't know whether he said that to me or not, but it was the old man's sentiments, whether he said it or not.

Q. Well, who was there, wasn't Frank Martin there?

A. I am not sure but what he was, but I don't know who was in the office at the time, when the old man signed the paper at my desk.

Q. Didn't you have a talk with Wells and Kin-kaid in reference to that?

A. To the relinquishment and signing the papers?

Q. Yes, in regard to these contests.

A. No, not to my knowledge, I don't remember of any at present.

Witness excused."

Plaintiff's Exhibit No. 94B.

Check to George T. Young signed by Frank Steunenber, Agent. Dated Sept. 25th, 1903, in the sum of \$167.00.

Plaintiff's Exhibits Nos. 95A to 95L.

Plaintiff's Exhibit No. 95A.

JOHN R. GARY: Residence, Boise, Idaho; occupation, miner.

Sworn Statement, No. 298, dated and filed Dec. 19, 1901, for entry of Southeast quarter of Section 25, Tp. 8 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 95B.

Notice for Publication; witnesses for final proof

John I. Wells, Dora C. Burns, Patrick H. Downs,
Lelia Lee.

Plaintiff's Exhibit No. 95C.

Testimony of John R. Gary, on final proof, dated
March 7th, 1902.

Plaintiff's Exhibit No. 95D.

ANSWERS Given by John R. Gary, to Questions 16,
17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: Out of hard labor and mines.
Since about the 15th of Oct., 1901.

Answer to Ques. 18: I have. The Capital State
Bank of Boise.

Plaintiff's Exhibit No. 95E.

Testimony of witness, Patrick H. Downs, at final
proof.

Plaintiff's Exhibit No. 95F.

Cross-examination of witness, Patrick H. Downs,
at final proof.

Plaintiff's Exhibit No. 95G.

Receiver's Receipt No. 1942, dated July 18, 1902.

Plaintiff's Exhibit No. 95H.

Final Certificate No. 1942, dated July 18, 1902.

Plaintiff's Exhibit No. 95 I.

Deed of John R. Gary, and wife, to A. E. Palmer,
dated March 20th, 1903; consideration \$1,000; ac-
knowledged before L. M. Pritchard, Notary Public,
for land described in Exhibit 95A, filed for record,
Feb. 17, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 95J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 95K.

Affidavit of Publication.

Plaintiff's Exhibit No. 95L.

Patent to John R. Gary, January 28th, 1904, for land described in Exhibit No. 95A, Boise Meridian.

Plaintiff's Exhibits Nos. 96A to 96N.

Plaintiff's Exhibit No. 96A.

JOHN C. MONROE: Residence, Centerville, Idaho; occupation, engineer.

Sworn Statement No. 315, dated and filed December 31, 1901, for entry of Northeast Quarter of Section 25, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 96B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 96C.

Notice for Publication; witnesses for proof, P. H. Downs, John I. Wells, Norman H. Young, H. H. Wells.

Plaintiff's Exhibit No. 96D.

Testimony of John C. Monroe, at final proof, dated March 21st, 1902.

Plaintiff's Exhibit No. 96E.

ANSWERS of John C. Monroe, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: From my labor and business. I have had several hundred dollars ever since I came West, 5 or 6 years.

Answer to Ques. 18: No, sir. Keep my money in my posession, there is no bank in Centerville.

Plaintiff's Exhibit No. 96F.

Receiver's Receipt No. 1985, dated July 29th, 1902.

Plaintiff's Exhibit No. 96G.

Final Certificate No. 1985, dated July 29th, 1902.

Plaintiff's Exhibit No. 96H.

Deed from John C. Monroe and Mary A. Monroe to A. E. Palmer, dated June 2nd, 1903; consideration, \$1,600; acknowledged before L. M. Pritchard, Notary Public, for land described in Exhibit 96A and 97A, and filed for record, Feb. 29th, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 96 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 96J.

Cross-examination of witness, Norman H. Young, at final proof.

Plaintiff's Exhibit No. 96K.

Testimony of witness, Norman H. Young, at final proof.

Plaintiff's Exhibit No. 96L.

Cross-examination of John I. Wells, at final proof.

Plaintiff's Exhibit No. 96M.

Testimony of John I. Wells, at final proof.

Plaintiff's Exhibit No. 96N.

Patent to John C. Monroe, dated Feb. 1st, 1904, for land described in Exhibit No. 96A.

Plaintiff's Exhibits Nos. 97A to 97L.

Plaintiff's Exhibit No. 97A.

MARY A. MONROE: Residence, Centerville, Idaho; occupation, merchant.

Sworn Statement No. 317, dated and filed January 7th, 1902, for entry of Southeast Quarter of Section 4, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 97B.

Testimony of Mary A. Monroe, on final proof, dated April 7, 1902.

Plaintiff's Exhibit No. 97C.

ANSWERS Given by Mary A. Monroe, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, I do.

Ans. to Ques. 17: My husband gave it to me. Since April 5, 1902.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 97D.

Testimony of witness, John I. Wells, at final proof.

Plaintiff's Exhibit No. 97E.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 97F.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 97G.

Receiver's Receipt No. 1993, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 97H.

Final Certificate No. 1993, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 97 I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 97 J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 97K.

Notice for Publication; witnesses for final proof, Charles M. Wilmot, John I. Wells, Uriah Birney, Patrick H. Downs.

Plaintiff's Exhibit No. 97L.

Patent dated March 17th, 1904, to Mary A. Monroe, for land described in Exhibit No. 97A.

Plaintiff's Exhibits Nos. 98A to 98L.**Plaintiff's Exhibit No. 98D.**

MR. IRVING W. HART: Residence, Boise, Idaho; occupation, stenographer.

Sworn Statement, No. 571, filed and dated Sept. 9th, 1902, for entry of Northwest Quarter of Section 11, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 98A.

Affidavit for Publication.

Plaintiff's Exhibit No. 98B.

Notice for Publication; witnesses for final proof, Charles S. Kingsley, Mrs. Caro B. Kingsley, Edward H. Starn and Mary Starn.

Plaintiff's Exhibit No. 98C.

Non-mineral affidavit.

Plaintiff's Exhibit No. 98E.

Testimony of witness, Caro F. B. Kingsley, on final proof.

Plaintiff's Exhibit No. 98F.

Testimony of witness, Charles S. Kingsley, on final proof.

Plaintiff's Exhibit No. 98G.

ANSWERS Given by Irving W. Hart, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From income derived from professional occupation. About 6 months.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 98H.

Testimony of Irving W. Hart, on final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 98 I.

Receiver's Receipt No. 2233, Dec. 22, 1902.

Plaintiff's Exhibit No. 98J.

Final Certificate No. 2233, dated Dec. 22, 1902.

Plaintiff's Exhibit No. 98K.

Deed from Irving W. Hart and Fannie R. Hart to Horace S. Rand; consideration, \$1,600.00; dated March 12th, 1903; acknowledged before J. L. Niday, Notary Public, for land described in Exhibit No. 99D and 98D, filed for record June 23, 1904, request of W. E. Borah.

Plaintiff's Exhibit No. 98L.

Patent to Irving W. Hart, dated May 13th, 1904, for land described in Exhibit No. 98D.

Plaintiff's Exhibits Nos. 99A to 99L.**Plaintiff's Exhibit No. 99D.**

MRS. FANNIE R. HART: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement, No. 570, dated and filed Sept, 9th, 1902, for entry of Southwest Quarter of Section 11, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 99A.

Affidavit of Publication.

Plaintiff's Exhibit No. 99B.

Notice of Publication; witnesses for final proof, Charles S. Kingsley, Caro B. Kingsley, Edward Starn and Mary Starn.

Plaintiff's Exhibit No. 99C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 99E.

Testimony of witness, Caro F. B. Kingsley, at final proof.

Plaintiff's Exhibit No. 99F.

Testimony of witness, Charles S. Kingsley, at final proof.

Plaintiff's Exhibit No. 99H.

ANSWERS Given by Mrs. Fannie R. Hart, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. Yes, I do.

Answer to Ques. 17: My father left it to me. The estate was settled a few days ago.

Answer to Ques. 18: Not lately. The Capital State Bank.

Plaintiff's Exhibit No. 99I.

Testimony of Mrs. Fannie R. Hart, at final proof, dated December 22d, 1902.

Plaintiff's Exhibit No. 99J.

Receiver's Receipt No. 2232, dated Dec. 22, 1902.

Plaintiff's Exhibit No. 99K.

Final Certificate No. 2232, dated Dec. 22, 1902.

Plaintiff's Exhibit No. 99L.

Patent to Fannie R. Hart, dated May 13th, 1904, for land described in Exhibit No. 99D.

Plaintiff's Exhibits Nos. 100A to 100N.

Plaintiff's Exhibit No. 100A.

CHARLES H. EAGLESON: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement, 607, dated and filed Sept. 19th, 1902, for entry of South One-half of the Southwest Quarter, and South Half of the Southeast Quarter, Section 25, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 100B.

Testimony of Charles H. Eagleson, at final proof, dated January 29, 1903.

Plaintiff's Exhibit No. 100C.**AFFIDAVIT OF CHARLES H. EAGLESON, IN
RE POSTPONEMENT OF DATE OF FINAL
PROOF.**

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 29, 1903.

Charles H. Eagleson, being first duly sworn, deposes and says: That he is the identical person who made timber and stone sworn statement #607 at this office on September 19, 1903, for the purchase of the S. $\frac{1}{2}$ SW. $\frac{1}{4}$ and S. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 25, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 20th day of January, 1903; that he did not offer proof on that date or until this date for the reason that his brother from whom he expected to borrow the money, did not get a payment on some land he expected to sell, and had to borrow the money to make the payments for the tract above described.

CHARLES H. EAGLESON.

Subscribed and sworn to before me this 29th day of January, 1903.

EDWARD E. GARRETT,
Receiver.”

Plaintiff's Exhibit No. 100D.

ANSWERS Given by Charles H. Eagleson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed the necessary amount on my personal note from Capital State

Bank, Boise, Idaho, to-day. Tract of land applied for, in no way involved as security.

Answer to Ques. 18: Only as member of firm of Eagleson & Sons, with Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 100E.

Testimony of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 100F.

Notice for Publication; witnesses for final proof, Jacob V. Nusbaum, Emerson S. Sensenig, Patrick H. Downs, John I. Wells.

Plaintiff's Exhibit No. 100G.

Cross-examination of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 100H.

Testimony and Cross-examination of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 100 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 100J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 100K.

Deed—Charles H. Eagleson, to Horace S. Rand; dated Feb. 16th, 1903; consideration, \$800; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 23d, 1904. Conveys land described in Exhibit No. 100A.

Plaintiff's Exhibit No. 100L.

Receiver's Receipt, No. 2288, dated January 29, 1903.

Plaintiff's Exhibit No. 100M.

Final Certificate, No. 2288, dated January 29, 1903.

Plaintiff's Exhibit No. 100N.

Patent, dated March 24th, 1904, to Charles H. Eagleson, for land described in Exhibit No. 100A.

Plaintiff's Exhibits 101A to 101M.**Plaintiff's Exhibit No. 101A.**

BENJAMIN C. EAGLESON: Residence, Boise, Idaho; occupation, lumberman.

Sworn Statement, No. 610, dated and filed Sept. 19th, 1902, for entry of North One-half of the Southwest Quarter and North One-half of the Southeast Quarter, Section 25, Tp. 7 North, Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 101B.

Notice for Publication; witnesses for final proof, Jacob V. Nusbaum, Emerson S. Sensenig, Patrick H. Downs, and Harry K. Eagleson.

Plaintiff's Exhibit No. 101C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 101D.

Testimony of Benjamin C. Eagleson at final proof, dated January 21st, 1903.

Plaintiff's Exhibit No. 101E.

ANSWERS of Benjamin C. Eagleson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my own earnings. Have had same on deposit several months.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 101F.

Cross-examination of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 101G.

Testimony of witness, Emerson S. Sensenig, at final proof.

Plaintiff's Exhibit No. 101H.

Cross-examination of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 101 I.

Testimony of witness, Jacob V. Nusbaum, at final proof.

Plaintiff's Exhibit No. 101J.

Final Certificate No. 2273, dated Jan. 21, 1903.

Plaintiff's Exhibit No. 101K.

Receiver's Receipt No. 2273, dated Jan. 21. 1903.

Plaintiff's Exhibit No. 101L.

Affidavit of Publication.

Plaintiff's Exhibit No. 101M.

Patent dated July 2d, 1904, to Benjamin C. Eagle-son, for land described in Exhibit No. 101A.

Plaintiff's Exhibits Nos. 102A to 102N.

Plaintiff's Exhibit No. 102A.

BERTHA MARTIN: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement, No. 1504, dated and filed Jan.

25th, 1905, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter of Section 1, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 102B.

Notice for Publication: witnesses for final proof, Harry L. Fisher, B. Clyde Eagleson, P. H. Downs, Alva L. Lindsay.

Plaintiff's Exhibit No. 102C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 102D.

Testimony of Bertha Martin, at final proof, dated April 13, 1905.

Plaintiff's Exhibit No. 102E.

ANSWERS Given by Bertha Martin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir; to both questions.

Answer to Ques. 17: I received the money from my husband, originally. A few days only.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 102F.

Receiver's Receipt No. 3307, dated April 13, 1905.

Plaintiff's Exhibit No. 102G.

Final Certificate No. 3307, dated April 13, 1905.

Plaintiff's Exhibit No. 102H.

Affidavit of Publication.

Plaintiff's Exhibit No. 102I.

Cross-examination of witness, Harry L. Fisher, on final proof.

Plaintiff's Exhibit No. 102J.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 102K.

Testimony of witness, Harry L. Fisher, on final proof.

Plaintiff's Exhibit No. 102L.

Cross-examination of witness, B. Clyde Eagleson, on final proof.

Plaintiff's Exhibit No. 102M.

Testimony of witness, B. Clyde Eagleson, on final proof.

Plaintiff's Exhibit No. 102N.

Patent, Dec. 30th, 1905, date of issuance, to Bertha Martin, for land described in Exhibit No. 102A.

Plaintiff's Exhibits Nos. 103A to 103L.

Plaintiff's Exhibit No. 103C.

SAMUEL E. VANCE: Residence, Boise, Idaho; occupation, civil engineer.

Sworn Statement No. 992, dated and filed Aug. 10th, 1903, for entry of Northwest Quarter of Section 29, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 103A.

Notice for Publication; witnesses for final proof, John E. Hobbs, Hiram Maynard, Benjamin B. Allen, John J. Pawley.

Plaintiff's Exhibit No. 103B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 103D.

Cross-examination of witness, Hiram Maynard, in connection with direct examination, on final proof.

Plaintiff's Exhibit No. 103E.

Testimony of witness, Hiram Maynard.

Plaintiff's Exhibit No. 103F.

Cross-examination of witness, John J. Pawley, on final proof.

Plaintiff's Exhibit No. 103G.

Testimony of witness, John J. Pawley, on final proof.

Plaintiff's Exhibit No. 103H.

ANSWERS Given by Samuel E. Vance, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money. Have had this amount six months.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 103I.

Testimony of Samuel E. Vance, at final proof, dated November 10th, 1903.

Plaintiff's Exhibit No. 103J.

Receiver's Receipt No. 2694, dated Nov. 10, 1903.

Plaintiff's Exhibit No. 103J.

Final Certificate, No. 2694, dated Nov. 10, 1903.

Plaintiff's Exhibit No. 103K.

Affidavit of Publication.

Plaintiff's Exhibit No. 103K.

Deed from Samuel E. Vance and Mollie L. Vance, to Horace S. Rand, dated Dec. 16th, 1903; consideration, \$800.00; acknowledged before L. M. Pritchard, Notary Public, for land described in Exhibit 103C, and filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibit No. 103L.

Patent to Samuel E. Vance, dated Sept. 9th, 1904, for land described in Exhibit No. 103C.

Plaintiff's Exhibits Nos. 104A to 104 I.

Plaintiff's Exhibit No. 104A.

MRS. ELVIE M. BUTLER: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 582, dated and filed Sept. 15th, 1902, for entry of Lot 4, Southwest Quarter of Northwest Quarter, and West Half of Southwest Quarter, of Section 2, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 104B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 104C.

Notice for Publication; witnesses for final proof, Merritt L. Twogood, Alfred Bayhouse, Henry Bayhouse, and Patrick H. Downs.

Plaintiff's Exhibit No. 104D.

Testimony of Elvie M. Butler, at final proof, dated January 8th, 1903.

Plaintiff's Exhibit No. 104E.

ANSWERS Given by Elvie M. Butler, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money has been given me in small installments during 3 yrs. last past by my husband.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 104F.

Receiver's Receipt No. 2255, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 104G.

Final Certificate No. 2255, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 104H.

Deed from Edward E. Butler and Elvie M. Butler to Horace S. Rand, dated Feb. 12th, 1903, consideration \$800; acknowledged before L. M. Pritchard, conveying land described in Exhibit No. 104A, filed June 23d, 1904, for record, at the request of W. E. Borah.

Plaintiff's Exhibit No. 104 I.

Patent to Mrs. Elvie M. Butler, dated May 24th, 1904, for land described in Exhibit No. 104A.

Plaintiff's Exhibits Nos. 105A to 105P.**Plaintiff's Exhibit No. 105A.**

MRS. LOUISA E. BUTLER: Boise, Idaho; occupation, housewife.

Sworn Statement No. 581, dated and filed Sept. 15th, 1902, for entry of North One-half of the Southwest Quarter North One-half of the Southeast Quar-

ter Section 4, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 105B.

Notice for Publication; witnesses for final proof, Edward E. Butler, Merritt L. Twogood, Patrick H. Downs, Henry Bayhouse.

Plaintiff's Exhibit No. 105C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 105D.

Testimony of Louisa E. Butler, at final proof, dated January 8th, 1903.

Plaintiff's Exhibit No. 105E.

ANSWERS Given by Louisa E. Butler to Questions 16, 17 and 18, at Final Proof, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money has been deposited in my husband's name. It has belonged to me for over a year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 105F.

Receiver's Receipt, No. 2254, dated Jan. 8, 1903.

Plaintiff's Exhibit No. 105G.

Final Certificate No. 2254, dated Jan. 8, 1903.

Plaintiff's Exhibit No. 105H.

Affidavit of Publication.

Plaintiff's Exhibit No. 105 I.

Cross-examination of witness, Merritt L. Twogood, on final proof.

Plaintiff's Exhibit No. 105J.

Testimony of Merritt L. Twogood, on final proof.

Plaintiff's Exhibit No. 105K.

Cross-examination of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 105L.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 105M.

Affidavit of Publication.

Plaintiff's Exhibit No. 105N.

Missing.

Plaintiff's Exhibit No. 105O.

Deed from George W. Butler and Louisa E. Butler, to Horace S. Rand, dated Feb. 12th, 1903; consideration \$950.00; acknowledged before L. M. Pritchard, Notary Public, filed for record at the request of W. E. Borah, June 23d, 1904. Conveys land described in Exhibit No. 105A.

Plaintiff's Exhibit No. 105P.

Patent dated May 24th, 1904, to Louisa E. Butler, for land described in Exhibit No. 105A.

Plaintiff's Exhibits Nos. 106A to 106R.**Plaintiff's Exhibit No. 106D.**

ALICE FORDNEY: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 579, dated and filed Sept. 15th, 1902, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter, Section 3, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 106A.

Affidavit of Publication.

Plaintiff's Exhibit No. 106B.

Notice for Publication; witnesses for Publication, Edward E. Butler, Henry Bayhouse, Alfred Bayhouse, and Merritt L. Twogood.

Plaintiff's Exhibit No. 106C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 106E.

Cross-examination of witness, Merritt L. Twogood, at final proof.

Plaintiff's Exhibit No. 106F.

Testimony of witness, Merritt L. Twogood, at final proof.

Plaintiff's Exhibit No. 106G.

Cross-examination of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 106H.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 106 I.

AFFIDAVIT OF ALICE FORDNEY, IN RE
POSTPONEMENT DATE OF MAKING
FINAL PROOF.

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 8, 1903.

Mrs. Alice Fordney being first duly sworn, deposes and says: That she is the identical person who made timber and stone sworn statement #579, at this office on September 15, 1902, for the purchase of Lots 1 and 2 and S. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 3, Tp. 7 N., R.

8 E., B. M., and who advertised to offer proof therefor on the 7th day of January, 1903; that she did not offer proof on the day advertised for the reason that her money from Oregon did not reach here until to-day.

MRS. ALICE FORDNEY.

Subscribed and sworn to before me this 8th day of January, 1903.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 106J.

ANSWERS Given by Alice Fordney, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Had part of it, about \$50.00, several months, and my brothers gave me the rest, no promise to recompense.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 106K.

Testimony of Alice Fordney, on final proof, dated January 8th, 1903.

Plaintiff's Exhibit No. 106L.

Affidavit of Publication.

Plaintiff's Exhibit No. 106M.

Receiver's Receipt No. 2256, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 106N.

Final Certificate No. 2256, dated Jan. 8th, 1903.

Plaintiff's Exhibit No. 106O.

Affidavit of Publication.

Plaintiff's Exhibit No. 106P.

Deed from Alice Fordney, to Horace S. Rand, dated Feb. 12th, 1903; consideration \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, request of W. E. Borah. Conveys land described in Exhibit No. 106D.

Plaintiff's Exhibit No. 106Q.

Patent dated August 23d, 1904, to Alice Fordney for land described in Exhibit No. 106D.

Plaintiff's Exhibit No. 106R.

Affidavit of Alice Fordney, as to error in final proof testimony.

Plaintiff's Exhibits Nos. 107A to 107N.

Plaintiff's Exhibit No. 107A.

EDWARD A. LOCKHART: Residence, Boise, Idaho; occupation, dental surgeon.

Sworn Statement, No. 978, dated and filed July 24th, 1903, for entry of North One-half of the Southeast Quarter, Southeast Quarter of Southeast Quarter of Section 1, and Northeast Quarter of Northeast Quarter of Section 12, Tp. 6 North of Range 7 East, Boise Meridian.

Plaintiff's Exhibit No. 107B.

Testimony of Edward A. Lockhart, at final proof; dated October 16, 1903.

Plaintiff's Exhibit No. 107C.

ANSWERS Given by Edward A. Lockhart, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Money earned in business.
Have had same 3 or 4 years.

Answer to Ques. 18: Yes. Boise County Bank,
Idaho City.

Plaintiff's Exhibit No. 107D.

Receiver's Receipt No. 2657, dated Oct. 16th, 1903.

Plaintiff's Exhibit No. 107E.

Final Certificate No. 2657, dated Oct. 16th, 1903.

Plaintiff's Exhibit No. 107F.

Deed—Edward A. Lockhart, and wife, to Horace S. Rand, dated Nov. 5th, 1903; consideration \$800.00; acknowledged before Burt Resser, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 107A.

Plaintiff's Exhibit No. 107G.

Notice for Publication; witnesses for final proof, Burt Resser, Luella H. Jaycox, Orlin R. Jaycox, and Patrick H. Downs.

Plaintiff's Exhibit No. 107H.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 107 I.

Cross-examination of Orlin R. Jaycox, witness, at final proof.

Plaintiff's Exhibit No. 107M.

Testimony of witness, Orlin R. Jaycox, at final proof.

Plaintiff's Exhibit No. 107J.

Non-saline Affidavit.

Plaintiff's Exhibit No. 107K.

Cross-examination of witness, Burt Resser, at final proof.

Plaintiff's Exhibit No. 107L.

Testimony of witness, Burt Resser, at final proof.

Plaintiff's Exhibit No. 107N.

Patent dated Aug. 23d, 1904, to Edward A. Lockhart, for land described in Exhibit No. 107A.

Plaintiff's Exhibits Nos. 108A to 108Q.

Plaintiff's Exhibit No. 108A.

GEORGE W. BUTLER: Residence, Boise, Idaho; occupation, ice man.

Sworn Statement No. 614, dated and filed Sept. 23d, 1902, and for entry of East One-half of the Southeast Quarter, Southwest Quarter of the Southeast Quarter and Southeast Quarter of the Northeast Quarter, Section 17, Tp. 7 North, of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 108B.

Notice for Publication; witnesses for final proof, Edgar E. Bush, Walter Joplin, John I. Wells, Patrick H. Downs.

Plaintiff's Exhibit No. 108C.

Notice for Re-publication; witnesses for final proof, Edgar E. Bush, Walter Joplin, John I. Wells and Patrick H. Downs.

Plaintiff's Exhibit No. 108D.

Non-mineral affidavit.

Plaintiff's Exhibit No. 108E.

Testimony of George W. Butler, on final proof, dated May 4th, 1903.

Plaintiff's Exhibit No. 108F.

ANSWERS Given by George W. Butler, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: From my business. About 2 months.

Answer to Ques. 18: Yes. Bank of Commerce.

Plaintiff's Exhibit No. 108G.

Receiver's Receipt No. 2403, dated May 4th, 1903.

Plaintiff's Exhibit No. 108H.

Final Certificate No. 2403, dated May 4th, 1903.

Plaintiff's Exhibit No. 108 I.

Deed from George W. Butler and wife, Louisa, to Horace S. Rand, dated May 16th, 1903; consideration, \$1,000.00, executed before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904, conveys land described in Exhibit No. 108A.

Plaintiff's Exhibit No. 108J.

Affidavit of George W. Butler, in re postponement of deed of making of final proof.

Plaintiff's Exhibit No. 108K.

Affidavit of George W. Butler, in re inability to provide funds for making final proof on date set for same, and request for new date.

“UNITED STATES LAND OFFICE,

Boise City, Idaho.

State of Idaho,
County of Ada,—ss.

George W. Butler, being first duly sworn, deposes and says: That he is a citizen of the United States over the age of 21 years; and the identical person who on the 23d day of September, 1902, made Timber and Stone Sworn Statement No. 614, for the purchase of the E. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ and the SW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$, and the SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of Section 17, in Township No. 7 North of range No. east of Boise Meridian, for which he was to offer proof on the 22d day of January, 1903; that he was unable to proof up on said entry on the 22d day of January, 1903, and is still unable to prove up on said land for the reason that he has no money; that he and his brother, Edward E. Butler are engaged in the ice business and they were obliged to use the money in the ice business; that it cost them \$200.00 more to put up ice this year than it ever did before; that affiant loaned one, Fred Dolan, the sum of \$150.00, and the said Dolan has not repaid the same; that affiant has contracted to sell 125 tons of hay, but that he has not been able to have the hay baled, and consequently cannot deliver the said hay and therefore cannot get the money for it; that bad weather is the reason the hay could not be baled; that affiant asks that he be given further time to prove up on said land, and that a new time be set for proving up,

and a new notice of publication be published.

GEORGE W. BUTLER.

Subscribed and sworn to before me this 29th day
of January, 1903.

HARRY J. SYMS,
Register."

"State of Idaho,
County of Ada,—ss.

Edward E. Butler, being first duly sworn, deposes
and says: That he is a citizen of the United States
over the age of 21 years; that he has read the forego-
ing affidavit and knows the contents thereof, and that
the same is true of his own knowledge.

EDWARD E. BUTLER.

Subscribed and sworn to before me this 29th day
of January, 1903.

HARRY J. SYMS,
Register."

Plaintiff's Exhibit No. 108L.

Affidavit of Re-publication.

Plaintiff's Exhibit No. 108M.

Testimony of witness, Walter Joplin, at final
proof.

Plaintiff's Exhibit No. 108N.

Testimony of witness, Edgar E. Bush, at final
proof.

Plaintiff's Exhibit No. 108O.

Cross-examination of witness, Walter Joplin, at
final proof.

Plaintiff's Exhibit No. 108P.

Cross-examination of witness, Edgar E. Bush, at final proof.

Plaintiff's Exhibit No. 108Q.

Patent dated July 26th, 1904, to George W. Butler, for land described in Exhibit No. 108A.

Plaintiff's Exhibits Nos. 109A to 109M.

Plaintiff's Exhibit No. 109A.

ANDREW F. JOPLIN: Residence South Boise, Idaho; occupation, laborer.

Sworn Statement No. 644, dated and filed Oct. 2, 1902, for entry of Lots 1, 2, 3 and 4, in Section 5, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 109B.

Testimony of Andrew Joplin, on final proof, dated March 19, 1903.

Plaintiff's Exhibit No. 109G.

ANSWERS Given by Andrew Joplin, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I worked for it; about ten years.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 109D.

Receiver's Receipt No. 2351, dated March 19, 1903.

Plaintiff's Exhibit No. 109E.

Final Certificate No. 2351, dated March 19, 1903.

Plaintiff's Exhibit No. 109F.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Lena D. Wilson, Sonora A. Joplin, and Patrick H. Downs.

Plaintiff's Exhibit 109G.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 109H.

Cross-examination of witness, Walter L. Wilson, on final proof.

Plaintiff's Exhibit No. 109I.

Testimony of witness, Walter F. Wilson, on final proof.

Plaintiff's Exhibit No. 109J.

Cross-examination of witness, Lena D. Wilson, on final proof.

Plaintiff's Exhibit No. 109K.

Testimony of witness, Lena D. Wilson, on final proof.

Plaintiff's Exhibit No. 109L.

Deed from Andrew F. Joplin, to Horace S. Rand, dated March 25th, 1903; consideration, \$950.00; acknowledged before L. M. Pritchard, and filed for record at the request of W. E. Borah, July 1st, 1904, conveys land described in Exhibit No. 109A.

Plaintiff's Exhibit No. 109M.

Patent dated June 10th, 1904, to Andrew F. Joplin, for land described in Exhibit No. 109A.

Plaintiff's Exhibits Nos. 110A to 110N.

Plaintiff's Exhibit No. 110A.

LELIA LEE: Residence, Boise, Idaho; occupation, rancher.

Sworn Statement, No. 294, dated and filed Dec. 19th, 1901, for entry of Southeast quarter of Section 1, Tp. 7 North, of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 110B.

Testimony of Lelia Lee, on final proof, dated March 6, 1902.

Plaintiff's Exhibit No. 110C.

ANSWERS Given by Lelia Lee, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I do. Yes, sir.

Answer to Ques. 17: From my brother's estate; since Nov. 9, 1901.

Answer to Question 18: Yes, sir. At present, my husband and I keep our bank account together now, in the First National Bank of Idaho, Boise.

Plaintiff's Exhibit No. 110D.

Notice for Publication; witnesses for final proof, John I. Wells, Dora C. Burns, Patrick H. Downs, Ida M. Briggs.

Plaintiff's Exhibit No. 110E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 110F.

Cross-examination of witness, Dora C. Burns, on final proof.

Plaintiff's Exhibit No. 110G.

Testimony of witness, Dora C. Burns, on final proof.

Plaintiff's Exhibit No. 110H.

Cross-examination of witness, Ida M. Briggs, on final proof.

Plaintiff's Exhibit No. 110 I.

Testimony of witness, Ida M. Briggs, on final proof.

Plaintiff's Exhibit No. 110J.

Affidavit of Publication.

Plaintiff's Exhibit No. 110K.

Final Certificate No. 1946, dated July 18, 1902.

Plaintiff's Exhibit No. 110L.

Receiver's Receipt No. 1946, dated July 18, 1902.

Plaintiff's Exhibit No. 110M.

Deed from Lelia Lee to A. E. Palmer, dated March 26th, 1903; consideration, \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record, July 10th, 1903, at the request of W. E. Borah. Conveys land described in Exhibit No. 110A.

Plaintiff's Exhibit No. 110N.

Patent dated Feb. 1st, 1904, to Lelia Lee, for land described in Exhibit No. 110A.

Plaintiff's Exhibits Nos. 111A to 111N.**Plaintiff's Exhibit No. 111A.**

WALTER S. WALKER: Residence, Boise, Idaho; occupation, insurance agt.

Sworn Statement No. 352, dated and filed April 5th, 1902, for entry of Southeast Quarter of Section 31, Tp. 6 North of Range 6 East, Boise Meridian.

Plaintiff's Exhibit No. 111B.

Notice for Publication; witnesses for final proof, Harry S. Worthman, Patrick H. Downs, John I. Wells, and J. A. Lippincott.

Plaintiff's Exhibit No. 111C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 111D.

Testimony of Walter S. Walker, at final proof, dated June 20, 1902.

Plaintiff's Exhibit No. 111E.

ANSWERS Given by Walter S. Walker to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. Yes, sir.

Answer to Ques. 17: From my business. Several years.

Answer to Ques. 18: Yes. Capital State Bank, Boise.

Plaintiff's Exhibit No. 111F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 111G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 111H.

Receiver's Receipt No. 1881, June 20th, 1902.

Plaintiff's Exhibit No. 111I.

Final Certificate No. 1881, dated June 20th, 1902.

Plaintiff's Exhibit No. 111J.

Testimony of witness, Harry S. Worthman, on final proof.

Plaintiff's Exhibit No. 111K.

Cross-examination of witness, Harry S. Worthman on final proof.

Plaintiff's Exhibit No. 111L.

Affidavit of Publication.

Plaintiff's Exhibit No. 111M.

Deed from Walter S. Walker and wife, Minnie, to A. E. Palmer, dated March 16th, 1903; consideration, \$1,000.00; acknowledged before Sherman G. King, Notary Public, and filed for record Feb. 18th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 111A.

Plaintiff's Exhibit No. 111N.

Patent dated Jan. 28th, 1904, to Walter S. Walker, for land described in Exhibit No. 111A.

Plaintiff's Exhibits Nos. 112A to 112L.**Plaintiff's Exhibit No. 112A.**

CLARA B. EWING: Residence, Boise, Idaho; occupation, music teacher.

Sworn Statement No. 497, dated and filed Aug. 11, 1902, for entry of East One-half of the Northwest Quarter, and West One-half of the Northeast Quarter, of Section 34, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 112B.

Notice for Publication; witnesses for final proof, George S. Warren, Robert E. Heel, William Humphrey, and John I. Wells.

Plaintiff's Exhibit No. 112C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 112D.

Testimony of Clara B. Ewing, on final proof, dated November 7, 1902.

Plaintiff's Exhibit No. 112E.

ANSWERS Given by Clara B. Ewing, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it by teaching; have had it since May, 1902.

Answer to Ques. 18: Yes. First National Bank, Boise, Idaho; Citizen's National Bank, Mankato, Minn., before coming to Idaho.

Plaintiff's Exhibit No. 112F.

Receiver's Receipt No. 2152, dated Nov. 7th, 1902.

Plaintiff's Exhibit No. 112G.

Final Certificate No. 2152, dated Nov. 7th, 1902.

Plaintiff's Exhibit No. 112H.

Deed from Albert B. Ewing, and Clara B. Ewing, to A. E. Palmer, dated June 29th, 1903; consideration, \$1950.00; acknowledged before L. M. Pritchard, Notary Public, for land described in Exhibits No. 112A and Exhibit A. B. Ewing No. 1, filed at the request of W. E. Borah, for record, Feb. 26th, 1904.

Plaintiff's Exhibit No. 112I.

Testimony of witness, George S. Warren, at final proof.

Plaintiff's Exhibit No. 112J.

Testimony of witness, Wm. Humphrey, at final proof.

Plaintiff's Exhibit No. 112K.

Affidavit of Publication.

Plaintiff's Exhibit No. 112L.

Patent dated April 8th, 1904, to Clara B. Ewing, for land described in Exhibit No. 112A.

Plaintiff's Exhibits Nos. 113A to 113O.**Plaintiff's Exhibit No. 113F.**

EVELYN O'FARRELL, Boise, Idaho; Teacher.

Sworn Statement No. 280, dated and filed Nov. 27th, 1901, for entry of South One-half of the South-east Quarter Section 26, and North One-half of the Northeast Quarter, Section 35, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 113A.

Affidavit of Publication.

Plaintiff's Exhibit No. 113B.

Notice for Publication; witnesses for final proof, Patrick H. Downs, and John I. Wells, and Wm. F. Snow, James H. Hamilton.

Plaintiff's Exhibit No. 113C.

Certificate of Register and Receiver, in re postponement of date for making final proof.

Plaintiff's Exhibit No. 113D.

Affidavit of Evelyn O'Farrell, in re postponement of date of making final proof.

Plaintiff's Exhibit No. 113E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 113G.

Cross-examination of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 113H.

Testimony of witness, John I. Wells, on final proof.

Plaintiff's Exhibit No. 113I.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 113J.

Testimony of Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 113K.

ANSWERS Given by Evelyn O'Farrell to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. Yes.

Answer to Ques. 17: A sale of Boise real estate in Dec., 1901; since that time and longer.

Answer to Ques. 18: Yes. Bank of Commerce.

Plaintiff's Exhibit No. 113L.

Testimony of Evelyn O'Farrell, on final proof, dated February 26, 1902.

Plaintiff's Exhibit No. 113M.

Final Certificate No. 1992, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 113N.

Receiver's Receipt No. 1992, dated Aug. 1st, 1902.

Plaintiff's Exhibit No. 113O.

Patent dated Feb. 1st, 1904, to Evelyn O'Farrell, for land described in Exhibit 113F.

Plaintiff's Exhibits Nos. 114A to 114N.**Plaintiff's Exhibit No. 114A.**

ELMA E. GARDNER: Residence, Boise, Idaho; Occupation, Dressmaker.

Sworn Statement, No. 640, dated and filed Oct. 1st, 1902, for entry of South One-half of the Southwest Quarter, Northwest Quarter of Southwest Quarter, of Section 12, and Northeast Quarter of the Southeast Quarter of Section 11, Tp. 7 North of Range 7 East, B. M.

Plaintiffs' Exhibit No. 114B.

Notice for Publication: witnesses for final proof, Samuel M. Blandford, Louis M. Pritchard, Patrick H. Downs, Emma L. Blandford.

Plaintiff's Exhibit No. 114C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 114D.

Testimony of Elma E. Gardner, at final proof, dated March 19, 1903.

Plaintiff's Exhibit No. 114E.

ANSWERS Given by Elma E. Gardner, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it, had it for six months.

Answer to Ques. 18: No, kept money at home.

Plaintiff's Exhibit No. 114F.

Testimony of witness, Louis M. Pritchard, on final proof.

Plaintiff's Exhibit No. 114G.

Cross-examination of witness, Louis M. Pritchard, at final proof.

Plaintiff's Exhibit No. 114H.

Testimony of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 114I.

Cross-examination of Patrick H. Downs on final proof.

Plaintiff's Exhibit No. 114J.

Receiver's Receipt No. 2349, dated and filed March 19th, 1903.

Plaintiff's Exhibit No. 114K.

Final Certificate No. 2349, dated and filed March 19th, 1903.

Plaintiff's Exhibit No. 114L.

Affidavit of Publication.

Plaintiff's Exhibit No. 114M.

Deed from Elma E. Gardner to Horace S. Rand, dated March 28th, 1903; consideration \$1200; acknowledged before L. M. Pritchard, Notary Public, filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 114A.

Plaintiff's Exhibit No. 114N.

Patent June 10th, 1904, to Elma E. Gardner, for land described in Exhibit No. 114A.

Plaintiff's Exhibits Nos. 115A to 115O.

Plaintiff's Exhibit No. 115A.

FRANK R. McDONALD: Residence, Boise, Idaho; Occupation, Engineer.

Sworn Statement No. 593, dated and filed Sept. 16th, 1902, for entry of Lots 2 and 3, and the Southwest Quarter of the Northeast Quarter, and Southeast Quarter of the Northwest quarter, Section 6, Tp. 6 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 115B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 115C.

Notice for Publication; witnesses for final proof; John W. Rose, Andrew Hanson, Thomas S. Thompson, and Patrick H. Downs.

Plaintiff's Exhibit No. 115D.

Testimony of Frank R. McDonald, on final proof, dated April 28, 1903.

Plaintiff's Exhibit No. 115E.

ANSWERS of Frank R. McDonald, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it. Have had it for a week.

Answer to Ques. 18: Yes, Idaho Investment & Savings Bank, Boise, Idaho.

Plaintiff's Exhibit No. 115F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 115G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 115H.

Receiver's Receipt No. 2400, dated April 28th, 1903.

Plaintiff's Exhibit No. 115 I.

Final Certificate No. 2400, dated April 28, 1903.

Plaintiff's Exhibit No. 115 J.

Deed from Frank R. McDonald and wife, Ellen E., to Horace S. Rand, dated May 4, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 115A.

Plaintiff's Exhibit No. 115K.

Affidavit of Re-publication.

Plaintiff's Exhibit No. 115L.

Notice for re-publication, witnesses for final proof, John W. Rose, Andrew Hanson, Thomas S. Thompson, and Patrick H. Downs.

Plaintiff's Exhibit No. 115M.

Cross-examination of witness, Thomas S. Thompson, on final proof.

Plaintiff's Exhibit No. 115N.

Testimony of witness, Thomas S. Thompson, on final proof.

Plaintiff's Exhibit No. 115O.

Patent dated June 10th, 1904, to Frank R. McDonald, for land described in Exhibit No. 115A.

Plaintiff's Exhibits Nos. 116A to 116N.

Plaintiff's Exhibit No. 116E.

BERT T. PARKER: Residence, Boise, Idaho; occupation, miller.

Sworn Statement No. 548, dated and filed Sept.

4th, 1902, for entry of the North One-half of the Southeast Quarter and South One-half of the Northeast Quarter, Section 9, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 116A.

Affidavit of Publication.

Plaintiff's Exhibit No. 116B.

Certified Copy of Application for citizenship of Burt T. Parker.

Plaintiff's Exhibit No. 116C.

Notice for Publication; witness for final proof, Wm. E. Cavanaugh, Thomas F. Kelley, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 116D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 116F.

Affidavit of Bert T. Parker in re postponement date of final proof.

Plaintiff's Exhibit No. 116G.

Testimony of witness, Thomas Kelley, on final proof.

Plaintiff's Exhibit No. 116H.

Testimony of witness, Wm. E. Cavanaugh, on final proof.

Plaintiff's Exhibit No. 116 I.

ANSWERS Given by Burt T. Parker, to Questions, 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have saved the money from

my earnings. Have had it for two or three years.

Answer to Ques. 18: Yes. Boise City Natl. Bank.

Plaintiff's Exhibit No. 116J.

Testimony of Bert T. Parker, on final proof, dated December 17, 1902.

Plaintiff's Exhibit No. 116K.

Receiver's Receipt No. 2216, dated Dec. 17th, 1902.

Plaintiff's Exhibit No. 116L.

Final Certificate No. 2216, dated Dec. 17th, 1902.

Plaintiff's Exhibit No. 116M.

Deed from Burt T. Parker to Horace S. Rand, dated Feb. 11th, 1903, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 23d, 1904, conveys land described in Exhibit No. 116E.

Plaintiff's Exhibit No. 116N.

Patent dated May 13th, 1904, to Burt T. Parker, for land described in Exhibit No. 116E.

Plaintiff's Exhibits Nos. 117A to 117P.

Plaintiff's Exhibit No. 117A.

MERRITT L. TWOGOOD: Residence, Boise, Idaho; occupation, contractor and builder.

Sworn Statement No. 578, dated and filed Sept. 13th, 1902, for entry of Northwest Quarter of Section 13, Tp. 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 117B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 117C.

Notice for Publication; witnesses for final proof, Henry Bayhouse, Alfred Bayhouse, James F. Belk and George T. Ellis.

Plaintiff's Exhibit No. 117D.

Testimony of Merritt L. Twogood, at final proof, dated January 14, 1903.

Plaintiff's Exhibit No. 117E.

ANSWERS Given by Merritt L. Twogood, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my business. Have had it for a year. I have had my money in my business—at times it was not available on demand.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 117F.

Receiver's Receipt No. 2265, dated Jan. 14, 1903.

Plaintiff's Exhibit No. 117G.

Final Certificate No. 2265, dated Jan. 14, 1903.

Plaintiff's Exhibit No. 117H.

Affidavit of Publication.

Plaintiff's Exhibit No. 117 I.

Affidavit of Publication.

Plaintiff's Exhibit No. 117J.

Cross-examination of witness, Alfred Bayhouse, on final proof,

Plaintiff's Exhibit No. 117K.

Testimony of witness, Alfred Bayhouse, on final proof.

Plaintiff's Exhibit No. 117L.

Cross-examination of witness, Henry Bayhouse on final proof.

Plaintiff's Exhibit No. 117M.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 117N.

Affidavit of Merritt L. Twogood, in re postponement of date of making final proof.

“UNITED STATES LAND OFFICE,

Boise, Idaho, January 14, 1903.

Merritt L. Twogood, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn statement #578 for NW. $\frac{1}{4}$ Sec. 13, Tp. 7 N., R 8 E., B. M. at this office on the 13th day of September, 1902, and who advertised to offer proof therefor on the 6th day of January, 1903; that the reason he did not appear on said 6th day of January, or before this date, was that his money was in his business and was not available on the 6th day of January, 1903, or until this date.

MERRITT L. TWOGOOD,

Subscribed and sworn to before me this 14th day of January, 1903.

EDWARD E. GARRETT,
Receiver.”

Plaintiff's Exhibit No. 117O.

Deed of Ida Twogood and Merritt L. Twogood to Horace S. Rand, dated Feb. 12th, 1903, consideration, \$1600.00; acknowledged before L. M. Pritchard, for land described in Exhibits 117A and 119D, and filed for record at the request of W. E. Borah, June 23d, 1904.

Plaintiff's Exhibit No. 117P.

Patent dated May 24th, 1904, to Merritt L. Twogood, for land described in Exhibit No. 117A.

Plaintiff's Exhibits Nos. 118A to 118O.**Plaintiff's Exhibit No. 118A.**

JOHN K. WOODBURN: Residence, Boise, Idaho; occupation, miner and millman.

Sworn Statement No. 1065, dated and filed Sept. 14, 1903, for entry of Southwest Quarter of Section 15, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 118B.

Affidavit of Publication.

Plaintiff's Exhibit No. 118C.

Notice for Publication; witnesses for final proof, Harry B. Noble, Lorin T. Kinert, Charles B. Farri-day, R. J. Harbaugh.

Plaintiff's Exhibit No. 118D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 118E.

Cross-examination of witness, Lorrin T. Kinert, on final proof.

Plaintiff's Exhibit No. 118F.

Testimony of witness, Lorrin T. Kinert, on final proof.

Plaintiff's Exhibit No. 118G.

Cross-examination of witness, Charles B. Farri-day, on final proof.

Plaintiff's Exhibit No. 118H.

Testimony of witness, Charles B. Farriday.

Plaintiff's Exhibit No. 118I.

ANSWERS of John K. Woodburn, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of other prop-erty. Sale was completed yesterday, Dec. 1st.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 118J.

Testimony of John K. Woodburn, at final proof, dated December 2d, 1903.

Plaintiff's Exhibit No. 118K.

Receiver's Receipt No. 2735, dated Dec. 2d, 1903.

Plaintiff's Exhibit No. 118L.

Final Certificate No. 2735, dated Dec. 2, 1903.

Plaintiff's Exhibit No. 118M.

Deed—Correction, from John K. Woodburn, to George S. Long, dated Oct. 24th, 1904; considera-tion \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record Oct. 25th, 1904, at the request of the Barber Lumber Co. Conveys land described in Exhibit No. 118A.

Plaintiff's Exhibit No. 118N.

Deed from John K. Woodburn to George S. Long, dated — *od* —; consideration \$800.00, acknowledged before L. M. Pritchard, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 118O.

Patent dated Dec. 1st, 1904, to John K. Woodburn, for the land described in Exhibit No. 118A.

Plaintiff's Exhibits Nos. 119A to 119M.**Plaintiff's Exhibit No. 119D.**

IDA TWOGOOD: Residence, Boise Idaho; occupation, housewife.

Sworn Statement No. 580, dated and filed Sept. 15th, 1902, for entry of Southwest Quarter of Southeast Quarter of Section 4, South Half of Southwest Quarter of Section 4, and Northwest Quarter of Northwest Quarter of Section 9, Township 7 North of Range 8 East, Boise Meridian.

Plaintiff's Exhibit No. 119A.

Affidavit of Publication.

Plaintiff's Exhibit No. 119B.

Notice of Publication; witnesses for final proof, Edward E. Butler, Henry Bayhouse, Alfred Bayhouse, and Alice Fordney.

Plaintiff's Exhibit No. 119C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 119E.

Cross-examination of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 119F.

Testimony of witness, Henry Bayhouse, on final proof.

Plaintiff's Exhibit No. 119G.

Cross-examination of witness, Edward E. Butler, on final proof.

Plaintiff's Exhibit No. 119H.

Testimony of witness, Edward E. Butler, on final proof.

Plaintiff's Exhibit No. 119 I.

NON-ALIENATION AFFIDAVIT.

"UNITED STATES LAND OFFICE,

Boise, Idaho, January 16, 1903.

Ida Twogood, being first duly sworn, deposes and says:—

That she is the identical person who made timber and stone sworn statement #580, at this office on September 15, 1902, for the SW. $\frac{1}{4}$ SE. $\frac{1}{4}$ and S. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 4, and NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 9, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 9th day of January, 1903; that the reason she did not offer proof on said 9th day of January, and until this day was because the money was not available; it being invested at that time in her husband's business. That she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest what-

ever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

IDA TWOGOOD.

Subscribed and sworn to before me this 16th day of January, 1903.

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 119J.

ANSWERS from Ida Twogood to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Money my husband gave me. Have had it a few days.

Answer to Ques. 18: My husband has, at Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 119K.

Testimony of Ida Twogood, on final proof, dated January 16, 1903.

Plaintiff's Exhibit No. 119L.

Receiver's Receipt, 2268, Jan. 16th, 1903.

Plaintiff's Exhibit No. 119M.

Final Certificate No. 2268, dated Jan. 16th, 1903.

Plaintiff's Exhibits Nos. 120A to 120N.

Plaintiff's Exhibit No. 120A.

WM. B. DAVIDSON: Residence, Boise, Idaho; occupation, lawyer.

Sworn Statement No. 1066, dated and filed Sept.

14, 1903, for entry of Northeast Quarter of Section 20, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 120B.

Notice for Publication; witnesses for final proof
Willis A. Ross, Josie M. Ross, Margaret Scully, P.
H. Downs.

Plaintiff's Exhibit No. 120C.

Affidavit of Publication.

Plaintiff's Exhibit No. 120D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 120E.

Cross-examination of witness, Willis A. Ross, on
final proof.

Plaintiff's Exhibit No. 120F.

Testimony of witness, Willis A. Ross, on final
proof.

Plaintiff's Exhibit No. 120G.

Cross-examination of witness, Josie M. Ross, on
final proof.

Plaintiff's Exhibit No. 120H.

Testimony of witness, Josie M. Ross, on final
proof.

Plaintiff's Exhibit No. 120 I.

ANSWERS of Wm. B. Davidson, to Questions 16,
17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed \$300 from J. C.
Russell on my own personal note. Balance of
money is my own.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 120J.

Testimony of Wm. B. Davidson, on final proof, dated December 3d, 1903.

Plaintiff's Exhibit No. 120K.

Receiver's Receipt No. 2745, dated Dec. 3, 1903.

Plaintiff's Exhibit No. 120L.

Final Certificate No. 2745, dated Dec. 3, 1903.

Plaintiff's Exhibit No. 120M.

Deed from Wm. B. Davidson and wife, Hattie B., to George S. Long, dated Dec. 30th, 1903, consideration \$800.00; acknowledged before Lee Hutchison, Notary Public, and filed for record, July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 120A.

Plaintiff's Exhibit No. 120N.

Patent, dated Dec. 1st, 1904, to Wm. B. Davidson, for land described in Exhibit No. 120A.

Plaintiff's Exhibits Nos. 121A to 121N.**Plaintiff's Exhibit No. 121A.**

LORIN T. KINERT: Residence, Boise, Idaho; occupation, clerk.

Sworn statement No. 1046, dated and filed Sept. 14th, 1903, for entry of southwest quarter of section 21, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 121B.

Notice for publication: witnesses for final proof, John K. Woodburn, Harry B. Noble, Charles B. Farriday, and William R. Coleman.

Plaintiff's Exhibit No. 121C.

Affidavit of publication.

Plaintiff's Exhibit No. 121D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 121E.

Testimony of Lorin T. Kinert at final proof, dated December 23d, 1903.

Plaintiff's Exhibit No. 121F.

ANSWERS Given by Lorin T. Kinert at Final Proof, on Cross-examination, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed the money from L. L. Townsend, but did not give a note. Have had money since yesterday.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 121G.

Cross-examination of witness, Harry B. Noble, on final proof.

Plaintiff's Exhibit No. 121H.

Testimony of witness, Harry B. Noble, on final proof.

Plaintiff's Exhibit No. 121I.

Cross-examination of witness, John K. Woodburn, on final proof.

Plaintiff's Exhibit No. 121J.

Testimony of witness, John K. Woodburn, on final proof.

Plaintiff's Exhibit No. 121K.

Receiver's Receipt, 2799, Dec. 23, 1903.

Plaintiff's Exhibit No. 121L.

Final Certificate No. 2799, dated Dec. 23, 1903.

Plaintiff's Exhibit No. 121M.

Deed from Lorin T. Kinert to George S. Long, dated March 3rd, 1904; consideration, \$800.00; acknowledged before John M. Haines, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah Conveys land described in Exhibit No. 121A.

Plaintiff's Exhibit No. 121N.

Patent dated Dec. 1st, 1904, to Lorin T. Kinert, for the land described in Exhibit No. 121A.

Plaintiff's Exhibits Nos. 122A to 122O.**Plaintiff's Exhibit No. 122A.**

RICE J. HARBAUGH: Residence, Boise, Idaho; occupation, farmer.

Sworn statement No. 1062, dated and filed Sept. 14th, 1903, for entry of South One-half of the Southwest Quarter, Northwest Quarter of the Southwest Quarter, and Southwest Quarter of Northwest Quarter, Section 22, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 122B.

Notice for Publication: witness for final proof, Wm. B. Coleman, Charles B. Farraday, Alexander T. Ellis and Joseph Ehrmanntraut, Jr.

Plaintiff's Exhibit No. 122C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 122D.

ANSWERS given by R. J. Harbaugh, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From rent of my farm in Michigan, just received money to-day.

A. Answer to Ques. 18: No.

Plaintiff's Exhibit No. 122E.

Testimony of R. J. Harbaugh, at final proof, dated December 7, 1903.

Plaintiff's Exhibit No. 122F.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 122G.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 122H.

Cross-examination Wm. R. Coleman, witness, on final proof.

Plaintiff's Exhibit No. 122 I.

Testimony of witness, W. R. Coleman, on final proof.

Plaintiff's Exhibit No. 122J.

Affidavit of R. J. Harbaugh, in re Postponement date of making final proof.

“UNITED STATES LAND OFFICE,

Boise, Idaho, Dec. 7, 1903.

Rice J. Harbaugh, being first duly sworn, deposes and says that he is the identical person who made

timber and stone sworn statement No. 1062 at the Boise Land Office, Sept. 14, 1903, for the purchase of the S. $\frac{1}{2}$ SW. $\frac{1}{4}$, NW. $\frac{1}{4}$ SW. $\frac{1}{4}$, SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 22, T. 6 N., R. 4 E., and on which he advertised to offer proof on the 27th day of Nov. 1903, that he failed to offer proof on the date advertised or at an earlier date than to-day for the reason that he was mistaken as to the date and that he had to wait until he could receive the money due him as rent for a farm he owns and leases in the State of Michigan.

RICE J. HARBAUGH.

Subscribed and sworn to before me this 7th day of Dec., 1903.

HARRY J. SYMS.

Register.

We certify that due notice of the continuance was posted each day and that no protests against said entry have been filed.

HARRY J. SYMS.

Register.

EDWARD E. GARRETT.

Receiver."

Plaintiff's Exhibit No. 122K.

Final Certificate No. 2754, dated Dec. 7, 1903.

Plaintiff's Exhibit No. 122L.

Receiver's Receipt No. 2754, dated Dec. 7, 1903.

Plaintiff's Exhibit No. 122M.

Affidavit of Publication.

Plaintiff's Exhibit No. 122N.

Deed from R. J. Harbaugh and wife, to George S. Long, dated Jan. 6th, 1904; consideration \$800.00;

acknowledged before Wm. R. Prinn, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 122A.

Plaintiff's Exhibit No. 122O.

Patent dated Dec 29th, 1904, to R. J. Harbaugh, for land described in Exhibit No. 122A.

Plaintiff's Exhibits Nos. 123A to 123N.

Plaintiff's Exhibit No. 123A.

CHARLES B. FARADAY: Residence, Boise, Idaho; occupation, merchant.

Sworn Statement, No. 1061, dated and filed Sept. 14th, 1903, for entry of Northwest Quarter of Section 28, Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 123B.

Notice for Publication; witnesses for final proof, Alexander T. Ellis, Rice J. Harbaugh, Wm. R. Coleman, and Frank R. Martin.

Plaintiff's Exhibit No. 123C.

Affidavit of Publication.

Plaintiff's Exhibit No. 123D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 123E.

Cross-examination of witness, R. J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 123F.

Testimony of witness, R. J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 123G.

Cross-examination of witness, Wm. R. Coleman on final proof.

Plaintiff's Exhibit No. 123H.

Testimony of witness, Wm. R. Coleman, on final proof.

Plaintiff's Exhibit No. 123J.

ANSWERS Given by Charles B. Faraday on Cross-examination at Final Proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my business, at Three Creek. Have had money for ten years.

Answer to Ques. 18: First National Bank, Caldwell, Idaho, and Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 123 I.

Testimony of Charles B. Faraday, on final proof, dated December 17, 1903.

Plaintiff's Exhibit No. 123K.

Receiver's Receipt No. 2787, dated Dec. 17th, 1903.

Plaintiff's Exhibit No. 123L.

Final Receipt No. 2787, dated Dec. 17th, 1903.

Plaintiff's Exhibit No. 123M.

Deed of Charles B. Faraday and wife, to George S. Long, dated Feb. 13th, 1904; consideration \$800.00; acknowledged before John M. Haines, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 123A.

Plaintiff's Exhibit No. 123N.

Patent dated Dec. 1st, 1904, to Charles B. Faraday, for land described in Exhibit No. 123A.

Plaintiff's Exhibits Nos. 124A to 124P.

Plaintiff's Exhibit No. 124A.

WHEELER H. MARTIN: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 1038, Sept. 14th, 1903, Southeast Quarter of Section 21, Tp. 6 North of Range 4 East, Boise M.

Plaintiff's Exhibit No. 124B.

Affidavit of Publication.

Plaintiff's Exhibit No. 124C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 124D.

Notice for Publication; witnesses for final proof, Charles B. Faraday, Wm. R. Coleman, Joseph Ehrmanntraut, Jr., Alexander T. Ellis.

Plaintiff's Exhibit No. 124E.

Testimony Wheeler H. Martin, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 124F.

ANSWERS Given by Wheeler H. Martin, at Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my earnings, and have had money about 2 years.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 124G.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 124H.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 124I.

Testimony of witness, Alexander T. Ellis, at final proof.

Plaintiff's Exhibit No. 124J.

Cross-examination of witness, Alexander T. Ellis, at final proof.

Plaintiff's Exhibit No. 124K.

Final Certificate No. 2930, dated March 9, 1904.

Plaintiff's Exhibit No. 124L.

Receiver's Receipt No. 2930, dated March 9th, 1904.

Plaintiff's Exhibit No. 124M.

Deed from Wheeler H. Martin and wife, to George S. Long, dated Aug. 19th, 1904; consideration, \$800.00; acknowledged before Fred G. Mock, Notary Public, and filed for record Sept. 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit 124A.

Plaintiff's Exhibit No. 124N.

Affidavit and supplemental showing in the matter of final proof.

“IN THE UNITED STATES LAND OFFICE,

Boise, Idaho, December 19, 1903.

In the Matter of the Final Proof of Wheeler H. Martin Upon Timber and Stone Filing No. ———
for the Sec. Tp. R. B. M. Idaho.

State of Idaho,
County of Ada,—ss.

AFFIDAVIT AND SUPPLEMENTAL SHOW-
ING.

Wheeler H. Martin being first duly sworn deposes and says:

That he is the claimant under Timber and Stone Filing No. 1038 for the SE $\frac{1}{4}$ Sec. 21, Tp. 6 N., R. 4 E., subject to sale at the United States Land Office at Boise, Idaho, and upon which he offered proof of the character of said land and the qualification of himself to purchase the same, before the said land office on December 11, 1903.

That by reason of his inexperience in such matters, his lack of knowledge of the technical use and signification of terms, and the misconstruction of the purport of questions asked in the matter of said proof, the testimony of affiant as claimant aforesaid, both upon direct, cross and special cross-examination, is vague, uncertain and indefinite in several particulars; and for said reason affiant makes and files this affidavit as supplemental testimony in the matter of said proof, for the purpose of making plain the statements and testimony heretofore offered therein, and to show the facts and circumstances upon which such testimony was based.

That question No. 17 of said cross-examination of claimant was not understood to refer to the identical money mentioned nor to the physical possession of the same, as was shown by the statement of affiant to the Honorable Register on the day prior to the date

of said proof, that he (affiant) would have to go to the bank for the money; coupled with the fact that he stated in his direct testimony in said proof that he had kept no bank account.

That said question was construed by affiant and understood to relate to the manner of acquiring the amount of money he would require in the purchase of the land; and the length of time he had actually had the same in his possession was misunderstood and construed and understood to relate to the time during which he had had the financial ability to control that amount of means, and that his answer to said question was given with that understanding of the same. That as to \$175 of said amount, it was literally true that while in the possession of another that for the said period of two years he had had the same subject to demand and to that extent in his actual possession, and as hereinafter set out; that as to the remaining amount he had been in such employment and in the possession of such an amount of his savings from time to time, and in such relations as would have enabled him to command said amount during said time on his personal credit if not at all times in his possession. And which understanding and construction of said question further appears by the fact that upon further cross-examination as to said matter, when it appeared that the said question related to the full amount of money actually saved up, and available to be used for the purpose of the purchase of said land, affiant answered "I guess I have had it since the first of July," the uncertainty of which said answer, as to the amount, will

be fully understood from the facts hereinafter stated as to the time, and manner of earning and disposition of the funds realized by this affiant from his earnings; together with the fact that at the time said testimony was given no settlement as hereinafter shown had been made enabling affiant to testify exactly as to the amount which he so had earned, saved, and had at disposal on said July first.

That the facts as to the earning and saving of the said amount of money and the time during which the same was possessed and the manner of such possession, are as follows, to wit:—That during three months of 1899, and during the greater part of 1900, and 1901, the affiant was employed in Owyhee County, Idaho, by the Trade Dollar, Cumberland and other mining companies in running hoisting machinery and otherwise at compensation of from \$3.50 to \$4.00 per day; that during said time he sent at one time in the spring of 1901, to his father William H. Martin, who lived on a farm near Meridian, Idaho, by the hands of affiant's brother, the sum of \$175 of his earnings to be kept for him, affiant, and to be used by his said father until wanted by him; that upon his return from Owyhee County, at the end of 1901, affiant was employed by his said father in caring for live stock, a portion of an estate of which his father was administrator, and thereby saved earnings amounting to \$80.00 which he allowed to remain with the money theretofore in the hands of his father. That his said father having meantime sold the farm near Meridian, Idaho, and purchased property in Boise, Idaho, was engaged in the im-

provement thereof by building and in the spring of 1903, affiant laboring thereon and thereby saved earnings amounting to \$100, which were also left with his said father as the said other sums had been, to be returned upon request to affiant; that in addition to said \$355, so in the hands of his father, affiant had earned means in the employ of others and was in July 1903, in the possession of means sufficient therewith to aggregate the sum used in the purchase of said land, and thereafter until the time of making proof. That after said first of July affiant sent to his said father other sums of his earning, to wit: \$37.50 and \$50.00 to be used by his said father and kept with the other sums hereinbefore named and to be returned in like manner.

That these several sums were used by his father in improving various pieces of property and were in such manner by this affiant "put into a place at different times" as testified to by him, both for the convenience of his father and for safe keeping of said funds for this affiant, and while in the actual possession of his said father, were so in the possession of his father as the depository of this affiant and subject to be returned upon request therefor, and to such extent his saved earnings and in his possession.

That when affiant's father was informed that affiant would need and require his said means and earnings so in the hands of his father as aforesaid, for the purchase of the land upon which proof was offered, there was then in his hands, of the moneys of affiant, the sum of \$442.50, but which sum had not at that date, nor upon the date of said proof, been

exactly determined by an accounting and settlement, but has since been so determined by such means; and that \$355 dollars of the same was so in his hands on July 1st, and the remaining amount of \$87.50 thereof being so in his hands subsequent thereto and prior to the date of said proof.

That his said father when so informed of affiant's requirement for said moneys said he would get the money for affiant and did so get the same for him from the Bank of Commerce.

That by reason of the fact that said amount was due from his said father to affiant, his said father gave said money to affiant. That for the reason that no settlement and accounting had been had between the said affiant and his said father at the date of the final proof aforesaid, affiant testified relative to the getting of said money by his father, that it was his father's "he loaned it to me" *because he reason* that until a final settlement between himself and his father it was rather a loan than a payment, but a loan, as was understood between them, with an offset by reason of the amount due from his said father to affiant. That the nature of said transaction was in fact an advancement by reason of the necessity of affiant therefor, of money in the hands of his father belonging to affiant and not strictly speaking, a loan.

That there was no understanding or agreement of any kind or nature that said sum given by his said father to affiant, or any part thereof should be repaid, or returned, or considered as a loan to be returned and repaid; and that affiant is under no legal

or moral obligation so to return or repay the same or any part thereof, the said sum having been given to him by his said father as a return of moneys earned by affiant and placed with his said father for safe keeping; and that at the date hereof, there remains due from his said father to him, a balance on account of moneys heretofore, as above shown, deposited with his father for safe keeping and to be returned to affiant upon request.

WHEELER H. MARTIN.

Subscribed and sworn to before me this 18th day of December, A. D. 1903.

EDWARD E. GARRETT,

Receiver."

Also appeared at the same time and place, William H. Martin, who being duly sworn, deposes and says: That he is the William H. Martin named in the foregoing affidavit, that he has heard the same read and knows the contents thereof, and that the statements therein made as to the several amounts left with him by the said Wheeler H. Martin, and the time of the leaving of the same, and the purpose of such leaving are true and correct; and that the statement of the transaction whereby he gave to said Wheeler H. Martin the amount stated in said affidavit for the purchase of said timber and stone entry is true and correct; and that the same was a return of moneys due to said Wheeler H. Martin, as stated in said affidavit foregoing, and was not a loan of the same, and that he makes no claim for the return or payment of the same, but that said sum, and more, was the earnings of said Wheeler H. Martin

so in his hands as stated in his said foregoing affidavit.

W. H. MARTIN.

Subscribed and sworn to before me this 19th day of December, 1903.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 124 O.

Examination of Wheeler H. Martin in reference to his entry before the Land Office, Boise, Ida., Dec. 11, 1903.

"UNITED STATES LAND OFFICE.

Boise, Idaho, Dec. 11, 1903.

**EXAMINATION OF WHEELER H. MARTIN,
T. & S., No. 1038.**

Q. State who it was that made out your papers when you made this timber and stone filing in this office. A. Mr. Kinkaid.

Q. How much did you pay him for making out these papers? A. Nothing that I know of.

Q. Did anybody else pay him for making out these papers?

A. I don't know whether Mr. Downs did or not.

Q. What business does Mr. Kinkaid follow?

A. Law, I believe.

Q. Is Mr. Kinkaid a personal friend of yours?

A. I have known him for some time, I might say he is a friend.

Q. Was anybody else in Mr. Kinkaid's office at the time you had him make out these papers?

A. I don't know, I had him make them out and he

told me when they were ready. He made them out for nothing.

Q. You gave him the blanks and he made them out for you? A. Yes, sir.

Q. He told you what land it was that he wanted you to file on? A. No, sir.

Q. Where did you get a description of this land?

A. From Mr. Downs.

Q. When you gave Mr. Kinkaid the papers to fill out, did you give him a description of the land you wished to file on, or did Mr. Downs give it to him?

A. I told him what I wanted, but I don't know whether Mr. Downs said anything about it or not. He might have, though.

Q. You state, Mr. Martin, that you have had this money two years?

A. I guess I have had it since the first of July.

Q. Since the first of this last July?

A. Yes.

Q. Why did you make the statement in your examination that you had had it for about two years?

A. Well, I stated that I could dig that much up.

Q. And you have never kept a bank account?

A. No, sir.

Q. Where did you get this money this morning with which you expect to pay for this land?

A. From my father.

Q. Does your father keep a bank account?

A. He has in the past.

Q. Does he keep a bank account at the present time? A. Not that I know of.

Q. Did you not state to me yesterday afternoon

that you could not make proof here to-day before ten o'clock because you had to go to the bank for the money? A. Yes.

Q. What bank did you go to for this money?

A. The Bank of Commerce.

Q. Who let you have this money from the Bank of Commerce?

A. Nobody has let me have it yet.

Q. Then you are not prepared to make this proof? A. Yes, sir.

Q. Does your father keep a bank account at the Bank of Commerce?

A. He used to, I don't know whether he does or not.

Q. How is it that you are getting this money from your father?

A. It is money that is coming to me.

Q. How do you have this money coming to you from your father?

A. It is money I have put into a place at different times.

Q. Will you swear that your father has a bank account at the Bank of Commerce? A. No.

Q. You are not sure, then that you can get the money from the Bank of Commerce?

A. Yes, he can get it, certainly.

(Witness goes out and returns with money. Examination resumed.)

Q. Mr. Martin, where did you get this money?

A. From my father.

Q. At the Bank of Commerce?

A. Yes, sir.

Q. Is this your father's money or your own money?

A. My father's, he loaned it to me.

Q. Then this money was gotten out of the Bank of Commerce and drawn from his individual account?

A. I suppose so.

Q. You suppose so? Now, I want a straight answer, Mr. Martin, in connection with this money; I want to know if this money was drawn by the presentation of a check at the Bank of Commerce, signed by your father?

A. Yes.

Q. Then your father is interested in this land you are filing on by reason of his having given you the money for the payment of the same?

A. No, sir.

Q. Where have you kept your money since July last?

A. I kept some of it with me, and I sent some down home.

Q. As a matter of fact, is not Mr. Kinkaid interested in this proof?

A. No, sir.

Q. And is no other person interested?

A. No, sir.

Q. Did you have an understanding with your father that he was to be at the Bank of Commerce or around here at a certain hour to-day?

A. Yes.

Q. What was the agreement between you and him?

A. He said he would get the money for me.

Q. Was he to meet you at a certain place?

A. Yes, he said he would be around here when

we got it closed up and would get the money for me.

WHEELER H. MARTIN.

Subscribed and sworn to before me this 11th day
of December, 1903.

HARRY J. SYMS,
Register."

Plaintiff's Exhibit No. 124P.

Patent dated Dec. 29th, 1904, to Wheeler H. Martin, for land described in Exhibit 124A.

Plaintiff's Exhibits Nos. 125A to 125M.

Plaintiff's Exhibit No. 125A.

WILLIS A. ROSS: Residence, Boise, Idaho; occupation, canal tender.

Sworn Statement No. 1055, dated and filed Sept. 14th, 1903, for entry of the Southeast Quarter of Section 20, Tp. 6 North of Range 4 East, Boise M.

Plaintiff's Exhibit No. 125B.

Notice for Publication; witnesses for final proof, W. B. Davidson, Josie M. Ross, Margaret Scully and Patrick H. Downs.

Plaintiff's Exhibit No. 125C.

Testimony of Willis A. Ross, on final proof, dated December 23d, 1903.

Plaintiff's Exhibit No. 125D.

ANSWERS Given by Willis A. Ross, on Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I worked for it. I have had \$200 four or five days. The balance I am to get from

Mr. W. H. Gibberd of the Settlers Canal Co.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 125E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 125F.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 125G.

Testimony of witness, Margaret Scully, on final proof.

Plaintiff's Exhibit No. 125H.

Cross-examination of witness, Margaret Scully, on final proof.

Plaintiff's Exhibit No. 125 I.

Receiver's receipt No. 2797, dated Dec. 23d, 1903.

Plaintiff's Exhibit No. 125J.

Final certificate No. 2797, dated Dec. 23, 1903.

Plaintiff's Exhibit No. 125K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 125L.

Deed from Willis A. Ross and Josie M. Ross, to George S. Long, dated Dec. 28th, 1903; consideration, \$1600.00, acknowledged before Walter S. Walker Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveying land described in Exhibits Nos. 125A and 126A.

Plaintiff's Exhibit No. 125M.

Patent dated Dec. 1st, 1904, to Willis A. Ross, for land described in Exhibit No. 125A.

Plaintiff's Exhibits Nos. 126A to 126L.

Plaintiff's Exhibit No. 126A.

JOSIE M. ROSS: Residence, Boise, Ida.; occupation, housekeeper.

Sworn Statement 1056, dated and filed Sept. 14th, 1903, for entry of Southwest Quarter of Section 20, Tp. 6 N., of Range 4 East, B. M.

Plaintiff's Exhibit No. 126B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 126C.

Notice for Publication; witnesses, Final Proof, Margaret Scully, W. B. Davidson, Willis A. Ross, and P. H. Downs.

Plaintiff's Exhibit No. 126D.

Testimony of Josie M. Ross, at Final Proof, dated December 23d, 1903.

Plaintiff's Exhibit No. 126E.

Cross-examination of witness, P. H. Downs.

Plaintiff's Exhibit No. 126F.

ANSWERS of Josie M. Ross to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned it cooking for a ditching camp on the Settlers' Canal. Have had money almost four years.

Answer to Ques. 18: At Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 126G.

Testimony of witness Margaret Scully at final proof.

Plaintiff's Exhibit No. 126H.

Cross-examination of witness, Margaret Scully, at final proof.

Plaintiff's Exhibit No. 126I.

Testimony of witness, P. H. Downs.

Plaintiff's Exhibit No. 126J.

Receiver's Receipt No. 2798, dated Dec. 23d, 1903.

Plaintiff's Exhibit No. 126K.

Final Certificate No. 2798, dated Dec. 23d, 1903.

Plaintiff's Exhibit No. 126L.

Patent dated Dec. 1st, 1904, to Josie M. Ross, for land described in Exhibit No. 126A.

Plaintiff's Exhibits Nos. 127A to 127O.**Plaintiff's Exhibit No. 127A.**

GEORGE G. EAGLESON: Residence, Jefferson, Iowa; occupation, liveryman.

Sworn Statement, No. 1036, dated and filed Sept. 14th, 1903, for entry of East One-half of the North-east Quarter, and East One-half of the Southeast Quarter of Section 27 Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 127B.

Notice for Publication; witnesses for final proof, Thomas L. Martin, Anna Fisher, W. B. Davidson, Joseph Penrod.

Plaintiff's Exhibit No. 127C.

Non-Mineral Affidavit.

Plaintiff's Exhibit No. 127D.

Affidavit of George G. Eagleson, in re postponement date of final proof.

Plaintiff's Exhibit No. 127E.

Testimony of George G. Eagleson, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 127F.

ANSWERS of George G. Eagleson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of hay here in Idaho. Brought part with me from Iowa. Have had money two months.

Answer to Ques. 18: City Bank, Jefferson, Iowa, and Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 127G.

Testimony of witness, Anna Fisher, at final proof.

Plaintiff's Exhibit No. 127H.

Cross-examination of witness, Anna Fisher, at final proof.

Plaintiff's Exhibit No. 127I.

Testimony of witness Thomas L. Martin, on final proof.

Plaintiff's Exhibit No. 127J.

Receiver's receipt, No. 2765, dated Dec. 11, 1903.

Plaintiff's Exhibit No. 127K.

Final Certificate No. 2765, dated Dec. 11, 1903.

Plaintiff's Exhibit No. 127L.

Affidavit of Publication.

Plaintiff's Exhibit No. 127M.

Cross-examination of witness, Thomas L. Martin, at final proof.

Plaintiff's Exhibit No. 127N.

Deed from George G. Eagleson, and Mary J. Eagleson, to George S. Long, dated Dec. 16, 1903, consideration \$1600.00; acknowledged before John M. Haines, Notary Public, embracing land described in Exhibits Nos. 127A and 128A. Filed for record July 1st, 1904, at the request of W. E. Borah.

Plaintiff's Exhibit No. 127O.

Patent dated Dec. 1st, 1904, to George G. Eagleson, for land described in Exhibit No. 127A.

Plaintiff's Exhibits Nos. 128A to 128N.**Plaintiff's Exhibit No. 128A.**

MARY J. EAGLESON: Residence, Jefferson, Iowa; occupation, home maker.

Sworn Statement No. 1037, dated and filed Sept. 14, 1903, for entry of Lots 2, Southwest Quarter of the Northeast Quarter, and the West One-half of the Southeast Quarter of Section 1 Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 128B.

Notice for Publication; witnesses for final proof, Thomas L. Martin, Anna Fisher, W. B. Davidson, and Joseph Penrod.

Plaintiff's Exhibit No. 128C.

Non-Mineral Affidavit.

Plaintiff's Exhibit No. 128D.

Affidavit of Mary J. Eagleson, in re postponement of date for making final proof.

Plaintiff's Exhibit No. 128E.

Testimony of Mary J. Eagleson, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 128F.

ANSWERS Given by Mary J. Eagleson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I received \$2,000 at time of my mother's death about 14 years ago. My husband has had charge of this money, and has kept same invested.

Answer to Ques. 18: I have not, but my husband has.

Plaintiff's Exhibit No. 128G.

Testimony of witness, Thomas L. Martin, on final proof.

Plaintiff's Exhibit No. 128H.

Cross-examination of witness, Thomas L. Martin, on final proof.

Plaintiff's Exhibit No. 128I.

Testimony of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 128J.

Cross-examination of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 128K.

Affidavit of Publication.

Plaintiff's Exhibit No. 128L.

Receiver's receipt No. 2766, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 128M.

Final Certificate No. 2766, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 128N.

Patent dated Dec. 1st, 1904, to Mary J. Eagle-son, for the land described in Exhibit No. 128A.

Plaintiff's Exhibits Nos. 129A to 129M.**Plaintiff's Exhibit No. 129A.**

WILLIAM R. COLEMAN: Residence Boise, Idaho; occupation, blacksmith.

Statement, sworn, No. 1061, dated and filed Sept. 14th, 1903, for entry of West One-half of the North-east Quarter and West Half of the Southeast Quarter of Section 28, Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 129B.

Notice for Publication; witnesses for final proof, Charles B. Faraday, Rice J. Harbaugh, Alexander T. Ellis, and Wheeler H. Martin.

Plaintiff's Exhibit No. 129C.

Non-Mineral Affidavit.

Plaintiff's Exhibit No. 129D.

ANSWERS on Cross-examination, given by Wm. R. Coleman, to Questions 16, 17 and 18, on Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From my earnings. Have had money about 3 months.

Answer to Ques. 18: No, I have kept money at home.

Plaintiff's Exhibit No. 129E.

Testimony of Wm. R. Coleman, at final proof, dated December 17th, 1903.

Plaintiff's Exhibit No. 129F.

Testimony of witness, Rice J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 129G.

Cross-examination of witness Rice J. Harbaugh, on final proof.

Plaintiff's Exhibit No. 129H.

Testimony of witness, Alexander T. Ellis, on final proof.

Plaintiff's Exhibit No. 129I.

Cross-examination of witness, Alexander T. Ellis, on final proof.

Plaintiff's Exhibit No. 129J.

Receiver's Receipt, No. 2788, Dec. 17th, 1903.

Plaintiff's Exhibit No. 129K.

Final Certificate No. 2788, Dec. 17th, 1903.

Plaintiff's Exhibit No. 129L.

Deed.—Wm. R. Coleman and wife to George S. Long, dated Dec. 29th, 1903; consideration \$800.00; acknowledged before John M. Haines, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1902. Conveys land described in Exhibit No. 129A.

Plaintiff's Exhibit No. 129M.

Patent dated Dec. 1st, 1904, to Wm. R. Coleman, for land described in Exhibit No. 129A.

Plaintiff's Exhibits Nos. 130A to 130N.**Plaintiff's Exhibit No. 130A.**

ALEXANDER T. ELLIS: Residence, Boise, Idaho; occupation, blacksmith.

Sworn Statement No. 1048, dated Sept. 14th, 1903. North One-half of the Northwest Quarter, and West Half of the Northeast Quarter, Section 22 Tp. 6 North, Range 4 East, B. M.

Plaintiff's Exhibit No. 130B.

Notice for Publication; witnesses for final proof, Rice J. Harbaugh, William R. Coleman, Charles B. Faraday, and John K. Woodburn.

Plaintiff's Exhibit No. 130C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 130D.

Testimony of Alexander T. Ellis, on final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 130E.

ANSWERS Given by Alexander T. Ellis to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: I did; Yes, sir.

Answer to Ques. 17: Made it in my business. One month.

Answer to Ques. 18: I have; Capital State Bank.

Plaintiff's Exhibit No. 130F.

Testimony of witness, William R. Coleman, on final proof.

Plaintiff's Exhibit No. 130H.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 130G.

Cross-examination of witness, William R. Coleman, on final proof.

Plaintiff's Exhibit No. 130I.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 130J.

Receiver's Receipt No. 2770, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 130K.

Final Certificate No. 2770, dated Dec. 11th, 1903.

Plaintiff's Exhibit No. 130L.

Deed from Alexander T. Ellis and Josephine Ellis to George S. Long; dated January 4th, 1904; consideration, \$800.00; acknowledged before John M. Haines, Notary Public, filed for record at the request of W. E. Borah. Conveys land described in Exhibit No. 130A.

Plaintiff's Exhibit No. 130M.

Certified Record Copy of Patent, dated Dec. 1st, 1904, to Alexander T. Ellis, for land described in Exhibit No. 130A.

Plaintiff's Exhibit No. 130N.

Patent dated Dec. 1st, 1904, to Alexander T. Ellis, for land described in Exhibit No. 130A.

Plaintiff's Exhibits Nos. 131A to 131N.**Plaintiff's Exhibit No. 131A.**

JOSEPH PENROD: Residence, Idaho City, Idaho; occupation, miner.

Sworn Statement No. 1047, dated and filed Sept. 14th, 1903 for entry of Northeast Quarter of Section 29, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 131B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 131C.

Notice for Publication; witnesses for final proof, Wilbert R. Reeves, George B. Avery, Charles W. Clawson, and Andrew Campbell.

Plaintiff's Exhibit No. 131D.

Testimony of Joseph Penrod, at final proof, dated December 17, 1903.

Plaintiff's Exhibit No. 131E.

ANSWERS given by Joseph Penrod, at Final Proof.

- | | |
|-----------------|---|
| Answer to Ques. | 1: Yes. |
| “ “ “ | 2: Married. |
| “ “ “ | 3: In Colorado; Laborer. |
| “ “ “ | 4: Since 1880. In Boise County. |
| “ “ “ | 5: Mining for myself. I have
been developing some
claims which have not yet
paid anything. |
| “ “ “ | 6: From H. L. Fisher. |
| “ “ “ | 7: Paid Downs \$25 for locating
the land. |

- “ “ “ 8: Sept. 12, 1903, I was over this land with Messrs. Avery, Reeves, Clawson, Campbell and Downs.
- “ “ “ 9: Mr. Downs pointed out the corners to me. Land is 6 or 7 miles southeast of Star Ranch.
- “ “ “ 10: 1,400,000 to 1,600,000 feet value about \$1000.
- “ “ “ 11: No, I obtained my information from Pat Downs.
- “ “ “ 12: Expect to use it for my own benefit.
- “ “ “ 13: No.
- “ “ “ 14: No.
- “ “ “ 15: Boise.
- “ “ “ 16: Yes. I do.
- “ “ “ 17: From my earnings; for over five years.
- “ “ “ 18: Boise County Bank, Idaho City.

Plaintiff's Exhibit No. 131F.

Testimony of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 131G.

Cross-examination of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 131H.

Testimony of Wilbur R. Reeves, at final proof.

Plaintiff's Exhibit No. 131I.

Cross-examination of Wilbur R. Reeves, at final proof.

Plaintiff's Exhibit No. 131J.

Affidavit of Publication.

Plaintiff's Exhibit No. 131K.

Receiver's Receipt No. 2785, dated Dec. 17, 1903.

Plaintiff's Exhibit No. 131L.

Final Certificate No. 2785, Dec. 17, 1903.

Plaintiff's Exhibit No. 131M.

Deed from Joseph Penrod and wife to George S. Long, dated March 28th, 1904; consideration, \$1,000.00; acknowledged before H. L. Fisher, Notary Public, and filed for record, April 29, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 131A.

Plaintiff's Exhibit No. 131N.

Patent dated Dec. 1st, 1904, to Joseph Penrod, for land described in Exhibit No. 131A.

Plaintiff's Exhibits Nos. 132A to 132O.**Plaintiff's Exhibit No. 132A.**

WILBERT R. REEVES: Residence, Idaho City, Idaho; occupation, rancher and farmer.

Sworn Statement No. 1054, dated Sept. 14th, 1903, for entry of Northwest Quarter of Section 29, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 132B.

Notice for Publication; witnesses for final proof, Joseph Penrod, George R. Avery, Charles W. Clawson, Andrew Campbell.

Plaintiff's Exhibit No. 132C.

Affidavit of Publication.

Plaintiff's Exhibit No. 132D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 132E.

Testimony of Wilbert R. Reeves, on final proof, dated December 17, 1903.

Plaintiff's Exhibit No. 132F.

Cross-examination of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 132G.

Testimony of witness, Andrew Campbell, on final proof.

Plaintiff's Exhibit No. 132H.

Cross-examination of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 132I.

Testimony of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 132J.

Missing.

Plaintiff's Exhibit No. 132K.

ANSWERS by Wilbert R. Reeves, to Question 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of real estate last spring. Have had money since April, 1903.

Answer to Ques. 18: Yes, in Boise City National Bank, for the last few months I don't know whether it has been six or not.

Plaintiff's Exhibit No. 132L.

Receiver's Receipt No. 2786, Dec. 17th, 1903.

Plaintiff's Exhibit No. 132M.

Final Certificate No. 2786, dated Dec. 17th, 1903.

Plaintiff's Exhibit No. 132N.

Deed from Wilbert R. Reeves and wife to George S. Long, dated Feb. 29th, 1904; consideration, \$900.00; acknowledged before John M. Haines, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 132A.

Plaintiff's Exhibit No. 132O.

Patent to Wilbert R. Reeves, dated Dec. 1st, 1904, for land described in Exhibit No. 132A.

Plaintiff's Exhibit Nos. 133A to 133O.**Plaintiff's Exhibit No. 133A.**

CLEORA M. SNOW: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement No. 1059, dated and filed Sept. 14th, 1903, for entry of Northeast Quarter of Section 15, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 133B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 133C.

Testimony of Cleora M. Snow, at final proof, dated December 24th, 1903.

Plaintiff's Exhibit No. 133D.

ANSWERS Given by Cleora M. Snow to questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From a life insurance policy paid at the time of my husband's death; have had money at least a year and a half.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 133E.

Receiver's Receipt, No. 2801, dated Nov. 24th, 1903.

Plaintiff's Exhibit No. 133F.

Final Certificate No. 2801, dated Nov. 24th, 1903.

Plaintiff's Exhibit No. 133G.

Affidavit of Cleora M. Snow in re Postponement of date of making final proof.

Plaintiff's Exhibit No. 133H.

Testimony of witness, John K. Woodburn on final proof.

Plaintiff's Exhibit No. 133I.

Cross-examination of witness, Joseph Ehrmanntraut, on final proof.

Plaintiff's Exhibit No. 133J.

Testimony of witness, Joseph Ehrmanntraut, on final proof.

Plaintiff's Exhibit No. 133K.

Cross-examination of witness, John K. Woodburn, on final proof.

Plaintiff's Exhibit No. 133L.

Notice for Publication; witness for final proof, Joseph Ehrmanntraut, Jr., Margaret M. Ehrmanntraut, Frank R. Martin and John K. Woodburn.

Plaintiff's Exhibit No. 133M.

Affidavit of Publication.

Plaintiff's Exhibit No. 133N.

Patent to Cleora M. Snow, dated Dec. 29th, 1904, for land described in Exhibit No. 133A.

Plaintiff's Exhibit No. 133O.

Deed from John F. Snow and Cleora M. Snow to George S. Long, dated Jan. 15th, 1904; consideration, \$800.00; acknowledged before Walter S. Walker, Notary Public, and filed for record, July 1st, 1904, at the request of W. E. Borah. Conveying land described in Exhibit No. 133A.

Plaintiff's Exhibits Nos. 134A to 134N.**Plaintiff's Exhibit No. 134A.**

FRANK R. MARTIN: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 1050, dated and filed Sept. 14, 1903, for entry of Northeast Quarter of Section 21, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 134B.

Notice for Publication; witnesses for final proof, Joseph Ehrmanntraut, Jr., and Margaret Ehrmanntraut, Charles B. Faraday and Rice J. Harbaugh.

Plaintiff's Exhibit No. 134C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 134D.

Testimony of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 134E.

Cross-examination of witness, Charles B. Faraday, on final proof.

Plaintiff's Exhibit No. 134F.

Testimony of witness, Joseph Ehrmanntraut, Jr., on final proof.

Plaintiff's Exhibit No. 134G.

Cross-examination of witness, Joseph Ehrmanntraut, Jr., on final proof.

Plaintiff's Exhibit No. 134H.

Testimony of Frank R. Martin on final proof, dated December 15, 1903.

Plaintiff's Exhibit No. 134I.

ANSWERS of Frank R. Martin to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have been saving it from my earnings for past 6 or 7 years; 3 or 4 months.

Answer to Ques. 18: No, I have kept money with me.

Plaintiff's Exhibit No. 134J.

Receiver's Receipt No. 2777, dated Dec. 15, 1903.

Plaintiff's Exhibit No. 134K.

Final Certificate No. 2777, dated Dec. 15, 1903.

Plaintiff's Exhibit No. 134L.

Affidavit of Publication.

Plaintiff's Exhibit No. 134M.

Deed from Frank R. Martin, to George S. Long, dated Dec. 23d, 1903; consideration, \$800.00;

acknowledged before John M. Haines, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibit No. 134A.

Plaintiff's Exhibit No. 134N.

Patent to Frank R. Martin, dated Dec. 1st, 1904, for land described in Exhibit No. 134A.

Plaintiff's Exhibits Nos. 135A to 135N.

Plaintiff's Exhibit No. 135A.

THOMAS L. MARTIN: Residence, Boise, Idaho; occupation, life insurance agent.

Sworn Statement No. 1039, dated and filed Sept. 14th, 1903, for entry of Southwest Quarter of Section 23, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 135B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 135C.

Testimony of Thomas L. Martin, at final proof, dated December 11, 1903.

Plaintiff's Exhibit No. 135D.

ANSWERS by Thomas L. Martin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the assignment of first mortgages held by myself and from the collection of notes.

Answer to Ques. 18: At Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 135E.

Testimony of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 135F.

Cross-examination of witness, Joseph Penrod, on final proof.

Plaintiff's Exhibit No. 135G.

Testimony of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 135H.

Cross-examination of witness, Anna Fisher, on final proof.

Plaintiff's Exhibit No. 135I.

Affidavit of Publication.

Plaintiff's Exhibit No. 135J.

Receiver's Receipt No. 2769, Dec. 11, 1903.

Plaintiff's Exhibit No. 135K.

Final Certificate No. 2769, dated Dec. 11, 1903.

Plaintiff's Exhibit No. 135L.

Notice for Publication; witnesses for final proof, Anna Fisher, Joseph Penrod, George G. Eagleson, and Mary J. Eagleson.

Plaintiff's Exhibit No. 135M.

Deed from Thomas L. Martin and wife to George S. Long, dated Jan. 2, 1904; consideration, \$800.00; acknowledged before Frank Martin, Notary Public, and filed at the request of W. E. Borah, July 1st, 1904, for record, for land described in Exhibit No. 135A.

Plaintiff's Exhibit No. 135N.

Patent dated Dec. 1st, 1904, to Thomas L. Martin for land described in Exhibit No. 135A.

Plaintiff's Exhibits Nos. 136A to 136P.**Plaintiff's Exhibit No. 136A.**

HARRY L. CLYNE: Residence, Boise, Idaho; occupation, painter and paper-hanger.

Sworn Statement No. 259, dated and filed Oct. 31st, 1901, for entry Southeast Quarter of Section 6, Tp. 7, North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 136B.

Testimony of Harry L. Clyne, on final proof, dated January 24, 1902.

Plaintiff's Exhibit No. 136C.

ANSWERS Given by Harry L. Clyne to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: Have had a portion of on hand for several months.

Answer to Ques. 18: No, I have not.

Plaintiff's Exhibit No. 136D.

Receiver's Receipt No. 2025, Aug. 19, 1902.

Plaintiff's Exhibit No. 136E.

Final Certificate No. 2025, Aug. 19, 1902.

Plaintiff's Exhibit No. 136F.

Missing.

Plaintiff's Exhibit No. 136G.

Affidavit of publication.

Plaintiff's Exhibit No. 136H.

Notice for Publication; witnesses for Final Proof, Norman Young, Lucian Maxfield, Christ Seckel, William Gross.

Plaintiff's Exhibit No. 136I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 136J.

Cross-examination of witness, Wm. Gross, on final proof.

Plaintiff's Exhibit No. 136K.

Testimony of witness, Wm. Gross, on final proof.

Plaintiff's Exhibit No. 136L.

Cross-examination of witness, Norman H. Young, on final proof.

Plaintiff's Exhibit No. 136M.

Testimony of witness, Norman H. Young, on final proof.

Plaintiff's Exhibit No. 136N.

Deed from Harry L. Clyne and wife to A. E. Palmer, dated July 18, 1903; consideration, \$950.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, Feb. 29, 1904. Conveys land described in Exhibit No. 136A.

Plaintiff's Exhibit No. 136O.

Certified Copy of Record of Patent, dated Feb. 1st, 1904, land described in Exhibit No. 136A.

Plaintiff's Exhibit No. 136P.

Patent dated Feb. 1st, 1904, to Harry L. Clyne, for land described in Exhibit No. 136A.

Plaintiff's Exhibits Nos. 137A to 137P.

Plaintiff's Exhibit No. 137A.

MARGARET SCULLY: Boise, Idaho. Occupation, housewife.

Sworn Statement No. 1035, filed and dated Sept. 14th, 1903, for entry of Northwest Quarter of Section 20, Tp. 6 North of Range 4 East, Boise Meridian.

Plaintiff's Exhibit No. 137B.

Notice for Publication; witnesses for final proof, Josie M. Ross, Willis A. Ross, Wm. B. Davidson, and P. H. Downs.

Plaintiff's Exhibit No. 137C.

Affidavit of Publication.

Plaintiff's Exhibit No. 137D.

Non-saline Affidavit.

Plaintiff's Exhibit No. 137E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 137F.

Testimony of Margaret Scully, at final proof, dated December 10, 1903.

Plaintiff's Exhibit No. 137G.

ANSWERS to questions 16, 17 and 18 given by Margaret Scully, at Final Proof, on Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From the sale of my home in Moscow, and have had the money at least a year.

Answer to Ques. 18: No.

Plaintiff's Exhibit No. 137H.

Cross-examination of witness, Josie M. Ross, at final proof.

Plaintiff's Exhibit No. 137I.

Testimony of witness, Josie M. Ross, at final proof.

No. 1883

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT.

TRANSCRIPT OF RECORD.

THE UNITED STATES OF AMERICA (Complainant),
Appellant,

vs.

THE BARBER LUMBER COMPANY (a Corporation),
(Defendant), Appellee.

VOLUME XIV.

(Pages 5185 to 5536, Inclusive.)

Upon Appeal from the United States Circuit Court
for the District of Idaho, Central
Division.

FILED

SEP 19 1910

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**Upon Appeal from the United States Circuit Court
for the District of Idaho, Central
Division.**

Plaintiff's Exhibit No. 137J.

Cross-examination of witness, Wm. B. Davidson, at final proof.

Plaintiff's Exhibit No. 137K.

Testimony of witness, Wm. B. Davidson, at final proof.

Plaintiff's Exhibit No. 137L.

Deed from Margaret Scully to George S. Long, dated Feb. 1st, 1904; consideration \$800.00; acknowledged before A. L. Richardson, Clerk of the U. S. District Court, District of Idaho, filed for record July 1st, 1904, at the request of W. E. Borah, conveying land described in Exhibit No. 137A.

Plaintiff's Exhibit No. 137M.

Receiver's Receipt No. 2763, dated Dec. 10th, 1903.

Plaintiff's Exhibit No. 137N.

Final Certificate No. 2763, dated Dec. 10th, 1903.

Plaintiff's Exhibit No. 137O.

Patent dated Dec. 1st, 1904, to Margaret Scully, for land described in Exhibit No. 137A.

Plaintiff's Exhibit No. 137P.

Declaration of Margaret Scully to become a citizen of the United States, dated April 25th, 1903. Sworn to before A. L. Richardson, Clerk of the U. S. District Court, District of Idaho, Sept. 12th, 1903.

Plaintiff's Exhibits Nos. 138A to 138O.

Plaintiff's Exhibit No. 138A.

M. LAETA EAGLESON: Residence, Boise, Idaho; housewife.

Sworn statement No. 1222, dated and filed Jan. 2, 1904, for entry of, South One-half of Northeast Quarter and Northwest Quarter of Southeast Quarter of Section 8, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 138B.

Affidavit of Publication.

Plaintiff's Exhibit No. 138C.

Notice for Publication, witnesses for final proof, Wm. F. Noble, May E. Noble, Alva I. Lindsay, and P. H. Downs.

Plaintiff's Exhibit No. 138D.

Cross-examination of witness, Wm. F. Noble, on final proof.

Plaintiff's Exhibit No. 138E.

Testimony of witness, Wm. F. Noble, on final proof.

Plaintiff's Exhibit No. 138F.

Cross-examination of Alva I. Lindsay, on final proof.

Plaintiff's Exhibit No. 138G.

Testimony of witness, Alva I. Lindsay, on final proof.

Plaintiff's Exhibit No. 138H.

Missing.

Plaintiff's Exhibit No. 138I.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 138J.

Testimony of M. Laeta Eagleson, on final proof, dated March, 17, 1904.

Plaintiff's Exhibit No. 138K.

ANSWERS Given by M. Laeta Eagleson, on Final Proof, to questions 16, 17 and 18, Cross-examination.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: From my mother's estate; about one year.

Answer to Ques. 18: Jefferson Savings Bank, Jefferson, Iowa.

Plaintiff's Exhibit No. 138L.

Receiver's Receipt No. 2941, dated March 17th, 1904.

Plaintiff's Exhibit No. 138M.

Final Certificate No. 2941, dated March 17, 1904.

Plaintiff's Exhibit No. 138N.

Deed of Benjamin C. Eagleson and M. Laeta Eagleson, to A. E. Palmer, on the — day —, 1904; consideration, \$700.00; acknowledged before John J. Blake, Notary Public, and filed for record at the request of W. E. Borah, Sept. 1st, 1904. Conveys land described in Exhibit No. 138A.

Plaintiff's Exhibit No. 138O.

Patent Dated December, 29th, 1904, to M. Leata Eagleson, for land described in Exhibit No. 138A.

Plaintiff's Exhibits Nos. 139A to 139E.

Plaintiff's Exhibit No. 139A.

ARTHUR ANDERSON: Residence, Pioneer-ville, Idaho; occupation, miner.

Sworn Statement No. 226, dated and filed Sept. 24th, 1901, for entry of East One-half of the North-

west Quarter, and West One-half of the Northeast Quarter of Section 15, Tp. 7 North of Range 5.

Plaintiff's Exhibit No. 139B.

Affidavit of Arthur Anderson, in re postponement date of making final proof.

Plaintiff's Exhibit No. 139C.

ANSWERS given by Arthur Anderson, to Questions 16, 17 and 18, on Cross-examination, at final proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: From my mining operations this summer. About the 10th of Nov. I cleaned up, and came down to Boise, and disposed of my gold-dust soon after.

Answer to Ques. 18: No, sir.

Plaintiff's Exhibit No. 139D.

Testimony of Arthur Anderson, on final proof.

Plaintiff's Exhibit No. 139E.

Affidavit of Arthur Anderson, subscribed and sworn to May 18, 1902, before L. L. Sharp, Special Agent, G. L. O., in reference to agreement with John I. Wells.

“State of Idaho,
County of Boise,—ss.

I, Arthur Anderson, being first duly sworn, and upon oath, say: My residence and post office address is Pioneerville, Idaho; I have been a resident of Boise County since the year 1865; my age is 60 years.

On Sept. 24th, 1901, I made T. & S. application No. 226, for E. $\frac{1}{2}$ NW. $\frac{1}{4}$ and W. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15,

Township 7 N., Range 5 E., B. M. I submitted proof on this application, Dec. 10, 1901.

Prior to the date on which I made application to purchase this land, I paid John Wells of Boise, Idaho, \$20.00 for locating me on this land. It was an implied agreement between the said John Wells and myself, that I was to make a transfer of the land to him or his company that he was representing, as soon as I received patent. This agreement was made prior to the time I submitted proof on said application.

From the following conversations with Bert Nugent, Idaho City, Idaho, and John Wells, Boise, Ida., I received the understanding that I was to receive \$237.50 for my right of entry.

The conversation with Nugent was to the effect, that we were to receive \$237.50 clear for our right of entry. I supposed he had been talking with John Wells, and received the information from him, and the conversation with Wells was to the effect, I told Wells that I thought the \$237.50 we were to receive for our right of entry was too small, and I did not want to make proof for that amount. He replied that it was all he could give, and if such was the case, he would have to refund the \$20.00 I paid him for locating me.

At the time of submission of proof, I received \$200.00 from said John Wells, to make payment for said land to the U. S. Govt; the balance I paid out of my own money.

I have received \$137.50 of the \$237.50 I was to receive clear, for my right of entry. The balance,

\$100.00, I am to receive from John Wells or the company he represents, as soon as I receive patent to the above described land. I received the \$137.50 from John Wells, the party who seems to be engineering the scheme.

Patrick Downs, informed me about a week ago, that several parties had received patent, and he thought I would receive mine soon too.

ARTHUR ANDERSON, (X)

his mark.

Subscribed and sworn to this day, the 18th day of May, 1902.

L. L. SHARP,

Special Agent, G. L. O.

Witnesses:

MAUD CLOUDER.

MARIE C. PONCIA."

Plaintiff's Exhibits Nos. 140A to 140F.

Plaintiff's Exhibit No. 140A.

BERT NUGENT: Residence, Silver City, Idaho; occupation, miner.

LETTER FROM BERT NUGENT TO JOHN I. WELLS, DATED SILVER CITY, IDA., DEC. 21, 1902.

"Silver City, Idaho, Dec. 21, 1902.

Mr. John I. Wells,

Dear Friend: This find me in good health, but that is about all. I have not had very much work, and so I am all up at present time, but I guess I will make it till spring. I am eating three times a day, all right. I got a letter and a notice from the Land

Office that my timber claim was going to be cancelled. If I did not come and prove and show proof that it should not be cancelled. Now, what will I do about it in this case. Please write and let me know what I had better do about it. I have got until the 9th of Jan. to file an application. If I do not, it will be cancelled. Please write and let me know about it.

I remain as ever,

Your friend,

BERT NUGENT."

Plaintiff's Exhibit No. 140¹/₂A.

ENVELOPE DIRECTED TO JOHN I. WELLS,
BOISE, IDAHO.

"Bert Nugent,

Silver City, Idaho.

Mr. JOHN I. WELLS,

Boise, Idaho."

Plaintiff's Exhibit No. 140B.

LETTER OF JOHN I. WELLS TO ALBERT
NUGENT, DATED BOISE, IDA., DEC. 3RD,
1903."

"JOHN I. WELLS.

Real Estate

Room 8, Pack Building."

"Boise, Idaho, Dec. 3, 1903.

Albert P. Nugent,

Silver City,

Friend Bert:—

Enclosed find paper, authorizing Harry Worthman to act as your attorney; he is also mine. It won't cost you anything, and I will see you through,

and that you get your land, so don't say anything to any one and sign this paper, and return to me. Happy New Year.

Yours as ever,

JOHN I. WELLS.

Don't let anyone see this letter."

Plaintiff's Exhibit No. 140 $\frac{1}{2}$ B.

ENVELOPE DIRECTED TO JOHN I. WELLS,
BOISE, IDA.

"JOHN I. WELLS,
Real Estate,
Room 8 Pack Building,
Boise, Idaho."

JOHN I. WELLS,
Boise,

Idaho."

Plaintiff's Exhibit No. 140C.

Power of Attorney in Blank, to be executed in the matter of the extension of Timber and Stone Claim of Albert P. Nugent.

"UNITED STATES LAND OFFICE,
At Boise, City, Idaho.

"In the Matter of the Hearing of the Suspension of T. & A. S. S. No. 225, made by Albert P. Newgent, for the E. $\frac{1}{2}$ of NE. $\frac{1}{4}$, Sec. 15; SE. $\frac{1}{4}$ of SE. $\frac{1}{4}$ Sec. 10; and SW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of Sec. 11, Tp. 7 North, Range 5 East, B. M. To the Register and Receiver of the U. S. Land Office at Boise City, Idaho:

Gentlemen: You are hereby notified that I have employed Mr. Harry S. Worthman, Attorney at Law, of Boise City, Idaho, in the above entitled hearing and hereby authorize said Harry S. Worthman to represent me in all matters pertaining to said hearing in the U. S. Local and General Land Offices.

Witnesses by,
_____,"

Plaintiff's Exhibit No. 140D.

Duebill for \$137.00 to John I. Wells, signed Albert P. Nugent, dated Boise, Ida., Dec. 10th, 1901.

Plaintiff's Exhibit No. 140E.

LETTER TO BERT NUGENT FROM JOHN I. WELLS, DATED BOISE, IDAHO, DEC. 26th, 1902.

"JOHN I. WELLS,
Real Estate,
Room 8 Pack Building."

Boise, Idaho, Dec. 26th, 1902.

"Mr. Bert Newgent,
Silver City.

Friend Bert:

Your of the 21st at hand, and in reply will say, I will know in a few days what to do in your timber claim, you will not have to come over, if you get a lawyer here to look after it, until the date of trial. I will have my attorney look up the matter, and I think you had better have him to fight the thing for you. Bert, I will stay by you in this matter, and you

will get your claim. I will let you know the steps to take, in a day or two, so say nothing to no one, and burn this letter. Wishing you a good Christmas, and a happy New Year,

Your friend,
JOHN I. WELLS."

Plaintiff's Exhibit No. 140 $\frac{1}{2}$ E.

ENVELOPE ADDRESSED TO MR. BERT NUGENT, SILVER CITY, IDAHO.

"JOHN I. WELLS,
Real Estate,
Room 8 Pack Building."

"MR. BERT NEWGENT,
Silver City,
Idaho."

Plaintiff's Exhibit No. 140F.

Affidavit of Albert P. Nugent in re filing Timber & Stone claim, at request of John I. Wells, subscribed and sworn to June 21st, 1902, before Louis I. Sharp, Special Agent, G. L. O.

(Copy)

"State of Idaho,
County of Boise,—ss.

I, Albert T. Nugent, being first duly sworn, and upon oath say: my residence and post office address is Idaho City, Idaho, I have lived in the State of Idaho since the year of 1880, and am by occupation, a miner.

On the 24th day of Sept., 1901, I filed timber and stone entry No. 225, for the E. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15,

SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 10, NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 11
Township 7 N., Range 5 E., B. M.

I made this entry at the request of John I. Wells, Boise, Idaho, who expressly agreed that I was to get from him, *the him* the said John I. Wells, \$250.00, at the time I made proof, for making the above entry, and it was expressly agreed that the said John I. Wells, was to pay all expenses of making entry, and purchasing the land.

I herewith state the manner and circumstances of making entry, and how I received the money, and who I received it from.

I went to John I. Wells' office, and he gave me \$412.50 to purchase the land with, at the time of making proof, and the Land Office fees, on the day I submitted proof, I made proof and used this money, that was given me by John I. Wells. I took the receipt I got from the Receiver of the U. S. Land Office, and gave it to John T. Kinkaid, Boise, Idaho. who gave me \$137.50, the said John T. Kinkaid, then informed me that I would receive the balance, \$100.00 as soon as I got a patent for the land and made a transfer of the same.

Out of the \$412.50 paid me by John I. Wells, \$12.50 was given me as a part of the \$250.00.

Until the time I made proof, I did not know that John Kinkaid was interested in the scheme, but during the above transactions, neither John I. Wells or John Kinkaid made any attempt to disguise the fact that they were interested together in managing a large timber land deal, and securing people to make entries and paying them for doing so.

At the time I made entry of the above described tract of land, the following parties made timber and stone entries too; viz., Hal H. Wells, James T. Ball, Centerville, Idaho, Arthur Anderson, Pioneerville, Idaho, and Abel Edward Hunter, Centerville, Idaho, to my own personal knowledge, the circumstances attending these entries and the manner in which they were made, is exactly the same as mine, the aforesaid James T. Ball, Able Edward Hunter, and Hal H. Wells and myself, were together and received the \$412.50 in each others presence, from the said John I. Wells.

ALBERT P. NUGENT.

Subscribed and sworn to this day the 21st day of June, 1902.

LOUIS L. SHARP,
Special Agent G."

Plaintiff's Exhibit No. 141A.

GUSTAVE D. HOSELEY.

PLAT BOOK.

(Send up original.)

Plaintiff's Exhibits Nos. 142A to 142D.

Plaintiff's Exhibit No. 142A.

MATHIAS A. ZAPP: Residence, Idaho City, Ida.; occupation miner.

List of Timber and Stone Entries, upon which Charles F. Koelsch paid taxes in the year of 1903.

"LIST OF TIMBER AND STONE ENTRIES
UPON WHICH CHARLES F. KOELSCH
PAID TAXES IN THE YEAR OF 1903."

Name.	Amount.
Keane, John J.....	\$14.00
Nickerson, Frank B.	13.68
Thompson, Nellie G.....	13.47
Woodmore, Dan.....	14.00
Pearson, Margaret	14.00
Pearson, William.....	14.00
Bowen, S. C.	14.00
Burns, L. K.	14.00
Greig, Samuel.....	13.47
Greig, Sarah.....	14.00
Lane, Frank.....	14.00
West, Dean.....	14.00
Brisban, Edward.....	13.93
Marcum, William J.....	14.07
Byro, John A.	14.00
Peterson, Carl J.	14.00
Rothine, Gustave.....	14.00
Abrams, W. W.....	14.00
Granger, Homer.....	14.00
Humphrey, Henry.....	14.00
Lewin, Gertrude.....	14.00
Dye, Roy,	14.00
West, Louisa B.....	14.00
Gillum, Altha	14.00
Gary, John.....	14.00
Wilmer, Wilber F.	13.22
Stephenson, Lettie.....	14.00
Stephenson, Martha.....	14.00
Lee, Lelia.....	14.00
Roberts, William F.	14.00
Walker, Charles	14.00

Name.	Amount.
Burchard, Charles J.	14.00
Wilmot, Charles M.	14.00
Flint, Uriah.....	14.00
Link, Gustave.....	14.00
Baker, J. O.	14.00
James, Henry.....	14.00
Arbuckle, Charles.....	14.00
Arbuckle, Susan	14.00
Hollister, Joseph M.	14.00
Hollister, Leonora	14.00
Cutler, George.....	14.00
Benedix, Henry	14.00
Gillum, Mack	14.00
Monroe, John C.....	14.00
Hamilton, James	14.00
Rics, Henry.	13.09
McBurney, Uriah	14.00
Monroe, Mary.....	14.00
Nelson, Charles.....	14.00
Nibler, Lewis	14.00
McDonald, John G.	14.00
Hunter, Kate.....	14.00
Lynch, Mary.....	14.00
Pool, Robert	14.00
Clyne, Henry.....	14.00
Brookhart, Arthur.....	14.00
Harrison, Walter	13.72
Pratt, Charles.....	14.00
Snow, Henry A.	14.00
Snow, Minnie.....	14.00
Snow, William F.....	14.00

Name.	Amount.
Ewing, Clara B.	14.00
Ewing, Albert B.	13.20
Humphrey, William H.	13.23
Humphrey, Lydia	14.00
Thompson, Jennie E.	10.50
Oleson, Jens	14.00
Christianson, John.	14.00
Youngkin, John A.	14.00
Gibbard, William H.	14.00
Anderson, Elof.	14.00
Anderson, Emma	13.82
Ownbey, Jackson	14.00
Ownbey, Harrison.	14.00
Ownbey, James.	14.00
Ownbey, Mary.	13.89
Parker, Burt.	14.00
Kelley, Thomas F.	14.00
Neal, John M.	14.00
Neal, Maud P.	14.28
Starn, Edward.	14.00
Starn, Mary.	14.00
Ownbey, Aaron.	14.00
Dockery, Eva	14.28
Dockery, Edward J.	14.00
Hart, Fannie R.	14.00
Hart, Irving W.	14.00
Kingsley, Charles.	14.00
Kingsley, Caro	14.00
Gibbard, Abbie	13.89
Cavanaugh, William.	14.00
Butler, Louisa	14.00

Name.	Amount.
Butler, L. V. M.	14.14
Fordber, Alice.....	14.28
Bayhouse, Henry	14.00
Twogood, Merritt	14.00
Hanson, Andrew.....	14.00
Kempner, Moses.....	14.00
Twogood, Ida.....	14.00
Bayhouse, Alfred	14.00
Sensenig, Emerson S.....	14.00
Nusbaum, Jacob.....	14.00
Eagleson, Ben C.....	14.00
Ellis, George T.....	14.00
Thompson, Mary J.....	13.93
Willhite, General F.....	14.00
Willhite, Elizabeth....	14.00
Bilderback, Emma.....	14.00
Bayhouse, Delilah....	14.00
Johnson, Oliver....	14.00
Noble, William F.....	14.00
Eagleson, Charles H.....	14.00
Eagleson, Harry K.....	14.00
Bayhouse, Frank.....	14.00
Blandford, Emma.....	14.00
Blandford, Samuel E.....	\$14.00
Alexander, Caroline.....	14.00
Eagleson, Helen.....	14.00
Beckley, Charles	14.00
Beckley, Mantie..	14.00
Sensenig, L. C.....	14.00
Nusbaum, Pearl I.....	14.00
Schmelzel, Elizabeth....	14.00

Name.	Amount.
Cooper, Jeanette B.....	14.00
Kempner, Annie.....	14.00
Thompson, David G.....	14.00
Bayhouse, George... ..	14.00
Belk, James.....	14.00
Stahl, Arietta.. ..	13.65
Stahl, Benjamin E.....	14.00
Martin, Henrietta.....	13.62
Martin, William H.....	14.00
Gardner, Elmer E.....	14.00
Joplin, Senora.....	14.00
Wilson, Lena... ..	14.00
Wilson, Walter.....	14.07
Youngkin, Susie... ..	13.89
Marcum, Sam.....	14.00
Allen, Homer.....	14.00
Wilmot, Ezra.....	14.00
Ensworth, George H.....	14.00
Brookhart, Adella C.....	14.00
Gibson, George G.....	14.00
Lane, W. C.....	14.00
Judge, William.....	14.00
Hoover, Sedgwick... ..	14.00
Thurman, Lola	14.00
Thurman, Frederick	\$14.00
Worthman, Henry	14.00
Walker, W. S.....	14.00
French, Joe	14.00
French, John D.....	14.00
Butler, Edward E.....	14.00
Barker, Smith	14.00

Name.	Amount.
Patterson, Charles	14.00
Lewin, William H.....	14.00
Warren, George S.....	14.00
Heel, Robert	13.58
Rose, John W.....	14.00
Joplin, Andrew	14.07

“State of Idaho,
County of Boise,—ss.

M. A. Zapp, being duly sworn and upon his oath deposes and says, that he was the duly elected and qualified assessor and collector of Boise County, Idaho, for the years of 1903 and 1904; that each of the above named parties made timber and stone entries in said Boise County, Idaho, and that the taxes assessed to each of the above named parties was paid by Charles F. Koelsch in the year of 1903; that per the request of said Koelsch, the tax receipts were issued in the name of each of the above named parties.

M. A. ZAPP.

Subscribed and sworn to before me this 19th day of March, 1907.

W. S. WADE,
Special Agent, G. L. O.

1904 List.

Name.	Amount.
Keene, John J.....	\$16.80
Nickerson, F. G.....	16.42
Stephenson, M.	16.80

Name.	Amount.
Lee, L.	16.80
Pearson, Mary	\$16.80
Thompson, Nellie	16.70
Woodmore, Dan	16.80
Pearson, William	16.80
Bowen, S. C.....	16.80
Burns, L. K.....	16.80
Greig, S.	15.26
Greig, Sarah	16.80
Lane, Frank	16.80
West, Dean	16.80
Brisbin, E.	16.80
Marcum, William	16.90
Byro, John	16.80
Peterson, Carl J.....	16.80
Rothine, G. A.....	16.80
Abrams, W. W.	16.80
Granger, H.	16.80
Humphrey, H.	16.80
Lewin, G.	16.80
Dye, Roy	16.80
West, L. A.....	16.80
Gillum, A.....	16.80
Gary, John	16.80
Wilmot, W.	15.82
Stephenson, L.	16.80
Link, Mary	16.80
Brookhart, A.	16.80
Pratt, Charles	16.80
Snow, H.	16.80
Snow, M.	16.80

Name.	Amount.
Snow, W.	16.80
Roberts, William	\$16.80
Walker, Charles	16.80
Burchard, C. J.	16.80
Wilmot, C.	16.80
Flint, U.	16.80
Link, G.	16.80
Baker, J. O.	16.80
James, H.	16.80
Arbuckle, Charles	16.80
Arbuckle, S.	16.80
Hollister, J. M.	16.80
Hollister, L.	16.80
Cutler, G.	16.80
Benedix, H. F.	16.80
Gillum, M.	16.80
Monroe, J. C.	16.80
Hamilton, James	16.80
Ries, H.	15.75
McBurney, U.	16.80
Monroe, M.	16.80
Glass, T. M.	16.80
Nelson, Charles	16.80
Nibler, L.	16.80
McDonald, J. G.	16.80
Hunter, Kate	16.80
Clyne, H.	16.80
Harrison, W. L.	16.45
Hart, I.	16.80
Starn, Mary	16.80
Kingsley, Charles	16.80

Name.	Amount.
Kingsley, C.	16.80
Ewing, C.	\$16.80
Ewing, A.	15.82
Humphrey, H.	15.89
Humphrey, L.	16.80
Thompson, J.	12.60
Oleson, Jens	16.80
Christensen, J.	16.80
Youngkin, J.	16.80
Gibbard, W.	16.80
Anderson, E.	16.80
Anderson, E.	16.80
Ownbey, J.	16.80
Ownbey, Harrison	16.80
Ownbey, James	16.80
Ownbey, Mary	16.66
Parker, B.	16.80
Kelley, T.	16.80
Neal, J. M.	16.80
Neal, M.	17.15
Starn, E. H.	16.80
Ownbey, A.	16.80
Dockery, E.	17.15
Dockery, E. J.	16.80
Hart, Fannie	16.80
Eagleson, Charles	16.80
Blandford, S.	16.80
Blandford, E.	16.80
Alexander, C.	16.80
Eagleson, H.	16.80
Beckley, Charles	16.80

Name.	Amount.
Beckley, M.	16.80
Gibbard, Ada	\$16.66
Cavanaugh, W. S.....	16.80
Butler, Louisa	16.80
Butler, E.....	16.85
Fordney, Alice	17.15
Bayhouse, H.....	16.80
Kempner, M. H.....	16.80
Twogood, M.....	16.80
Hanson, A.....	16.80
Twogood, Ida	16.80
Bayhouse, A.....	16.80
Sensenig, E.....	16.80
Nusbaum, J.....	16.80
Eagleson, Benjamin	16.80
Ellis, G. T.....	16.80
Thompson, Mary	16.59
Willhite, General	16.80
Willhite, E.....	16.80
Bilderback, E.....	16.80
Bayhouse, G.....	16.80
Johnson, O.....	16.80
Noble, William	16.80
Eagleson, H.....	16.80
Bayhouse, F.....	16.80
Brookhart, Della	16.80
Gibson, G. G.....	16.80
Lane, W. C.....	16.80
Judge, W.....	16.80
Hoover, S.....	16.80
Thurman, L.....	16.80

Name.	Amount.
Thurman, F.....	16.80
Nusbaum, P.....	\$16.80
Sensenig, L.....	16.80
Schmelzel, E.....	16.80
Cooper, J. B.....	16.80
Kempner, Annie	16.80
Thompson, D.....	16.80
Bayhouse, George	16.80
Belk, James	16.80
Stahl, A.....	16.38
Stahl, B.....	16.80
Martin, H.....	16.35
Martin, W. H.....	16.80
Gardner, E. E.....	16.80
Joplin, Senora	16.80
Wilson, Lena	16.80
Wilson, W.....	16.91
Youngkin, S.....	16.59
Marcum, S.....	16.80
Allen, H. G.....	16.80
Wilmot, E.....	16.80
Ensworth, G.....	16.80
Woodburn, J.....	14.00
Davison, William	14.00
Ross, W. A.....	14.00
Ross, Josie	14.00
Scully, M.....	14.00
Martin, F. R.....	14.00
Martin, Jane	14.00
Kinnert, L.....	14.00
Campbell, A.....	14.00

Name.	Amount.
Ellis, A. T.....	14.00
Worthman, H.....	\$16.80
Walker, W. S.....	16.80
French, Joseph	16.80
French, John	16.80
Butler, E. E.....	16.80
Barker, Smith	16.80
Patterson, Charles	16.80
Lewin, W.....	16.80
Warren, G. S.....	16.80
Heel, Robert	16.31
Rose, John	16.80
Joplin, A.....	16.90
Gardner, N. M.....	12.60
Eagleson, G.....	14.00
Eagleson, M.....	13.48
Martin, Frank	14.00
Martin, Ella	14.00
Fisher, Anna	14.00
Ehrmanntrautt, J. J.....	14.00
Ehrmantrautt, M. M.....	14.00
Cleora Snow	14.00
Cassidy, H. F.....	14.00
Pawley, J. J.....	14.00
Balentine, C. W.....	14.00
Williams, John	16.80
Roberts, L. J.....	14.00
Roberts, Ada	13.86
Austin, W. C.....	14.00
Horner, S. S.....	14.00
Horner, H.....	14.00

Name.	Amount.
Blevin, C. C.....	14.00
Harbough, R. J.....	14.00
Martin, T. L.....	14.00
Coleman, W.....	14.00
Faraday, C. B.....	14.00
Noble, H. B.....	14.00
Penrod, Joe	14.00
Reeves, W. R.....	16.80
Avery, G. R.....	14.00
Clawson, C. W.....	14.00
Kinkaid, John	16.80
Pritchard, L. M.....	16.80
Resser, Burt	14.00
Jaycox, O.....	14.00
Jaycox, L.....	14.21
Hobbs, John	14.00
Vance, Sam	14.00
Allan, Ban	14.00
Butler, G. W.....	\$14.00
Dobbs, E.....	14.00
Dobbs, H.....	13.90
Joplin, W.....	16.80
Bush, E.....	14.00
Sullivan, H.....	14.00
Sullivan, J.....	14.00
Harrington, E. A.....	14.00
York, G.....	14.00
Young, N. H.....	16.80
Weasel, F. T.....	14.00
Lothrop, R. C.....	14.00
Downs, Pat	16.80

Name.	Amount.
Cassell, John	16.80
Gardner, C. M. A. Son.....	26.95
Folsom, L. L.....	16.80
Maynard, H.....	14.00

“State of Idaho,
County of Boise,—ss.

M. A. Zapp, of lawful age, being duly sworn and upon his oath deposes and says that he was the duly elected and qualified Assessor and Tax Collector for Boise County, Idaho, during the years of 1903 and 1904.

Affiant states upon his oath that the taxes assessed against each of the above named parties on their respective timber land entries was paid by Frank Steunenberg in the said year of 1904, same having been paid by check No. 613, amount \$3,643.57 on the First National Bank of Boise, Idaho; That tax receipts were issued in the name of each of the said above-named parties per the request of the said Frank Steunenberg.

Lyon Cobb was with Frank Steunenberg at the time said check in payment for the taxes assessed against the lands entered by the above parties was delivered to this affiant.

M. A. ZAPP.

Subscribed and sworn to before me this 19th day of March, 1907.

W. S. WADE,
Special Agent G. L. O.”

Plaintiff's Exhibit No. 142B.

List of Barber Lumber Co. Land, Boise County, Idaho.

"LIST OF BARBER LUMBER CO. LANDS.

Boise County, Idaho.

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
SW. NE.	4	4	4	40.	SW. NW.	10	6	4	40.
SW. NE.	6			40.	SE. SW.				40.
Lot 4				27.10	SW. NE.	12			40.
Lot 5				39.12	N. $\frac{1}{2}$ SE.				80.
SE. NW.				40.	SE. SE.				40.
SE. $\frac{1}{4}$				160.	NE. NE.	13			40.
Lots 5, 6, 7	4	5	4	120.	NE. $\frac{1}{4}$	15			160.
SE. NW.				40.	NW. $\frac{1}{4}$				160.
NE. SW.				40.	SW. $\frac{1}{4}$				160.
W. $\frac{1}{2}$ SE.				80.	SE. $\frac{1}{4}$				160.
NW. NE.	9			40.	SE. SW.	17			40.
SE. NW.	17			40.	NE. SE.				40.
N. $\frac{1}{2}$ SW.				80.	S. $\frac{1}{2}$ SE.				80.
NW. SE.				40.	SW. NE.	19			40.
SW. SE.	18	5	4	40.00	NE. $\frac{1}{4}$	20	6	4	160.
NW. NE.	19			40.00	NW. $\frac{1}{4}$				160.
NE. NW.				40.00	SW. $\frac{1}{4}$				160.
Lot 1				41.38	SE. $\frac{1}{4}$				160.
SE. SW.	33			40.00	NE. $\frac{1}{4}$	21			160.
W. $\frac{1}{2}$ SE.				80.	NW. $\frac{1}{4}$				160.
					SW. $\frac{1}{4}$				160.
Lot 2,	1	6	4	34.83	SE. $\frac{1}{4}$				160.
SW. NE.				40.	W. $\frac{1}{2}$ NE.	22			80.
W. $\frac{1}{2}$ SE.				80.	NW. $\frac{1}{4}$				160.
SW. NE.	5			40.	NW. SW.				40.
N. $\frac{1}{2}$ SE.				80.	S. $\frac{1}{2}$ SW.				80.
SW. SE.				40.	N. $\frac{1}{2}$ SE.				80.
NE. $\frac{1}{4}$	8			160.	SW. SE.				40.

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
N.1/2 NE.	10			80.	SE.NW.	23			40.
N. 1/2 NW.				80.	SW.1/4				160.
E.1/2 NE.	25			80.	NW.1/4	17	6	6	160.
N.1/2 NE.	27			80.	S.1/2 SW.				80.
SE. NE.				40.	S.1/2 SE.				80.
E.1/2 SE.				80.	E.1/2 NE.	18			80.
NE. NE.	28			40.	E.1/2 SE.				80.
NW. NE.				40.	E.1/2 NE.	19			80.
SW. NE.				40.	E.1/2 SE.				80.
NW. 1/4				160.	NE.1/4	20			160.
SW. 1/4				160.	NW.1/4				160.
W. 1/2 SE.				80.	SE.1/4				160.
NE. 1/4	29			160.	SW.1/4	21			160.
NW. 1/4				160.	S.1/2 SW.	22			80.
SW. 1/4				160.	E.1/2 NW.	23			80.
SE. 1/4				160.	E.1/2 SW.				80.
S.1/2 NE.	32			80.	N.1/2 NW.	27			80.
S.1/2 NW.	32	6	4	80.					
E. 1/2 SW.				80.	NW. 1/4	28	6	6	160.
W.1/2 SW.				80.					
N.1/2 SE.				80.	SW.1/4				160.
SW. SE.				40.	NE.1/4	29			160.
N.1/2 NW.	33			80.	N. 1/2 SW.				80.
SW.NW.				40.	SW.SW.				40.
NW.SW.				40.	NW.SE.				40.
NE.1/4	34			160.	SE.1/4	31			160.
SE.1/4	7	6	5	160.	NE.1/4	32			160.
NW.1/4	21			160.					
S.1/2 SE.	7	6	6	80.	E.1/2 NW.				80.
S.1/2 SW.	8			80.	E.1/2 SW.				80.
NW.SE.				40.	SE.1/4				160.
S1/2 SE.				80.	NW.1/4	33			160.
E.1/2 SE.	11			80.	SW.1/4				160.
N.1/2 NE.	12			80.	Lot 1	1	6	7	39.98
SW.NE.				40.	Lot 2				39.92

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
W.1/2SW.				80.	S.1/2NE.				80.
NW.SE.				40.	Lot 3				39.88
NE.NE. 17				40.	Lot 4				39.82
S.1/2NW. 1	6	7		80.	Lot 1	1	7	5	39.75
N.1/2SE.				80.	Lot 2				39.26
SE.SE.				40.	S.1/2NE.				80.
NE.NE. 12				40.	Lot 3				38.76
Lot 1	5	6	8	39.74	Lot 4				38.27
Lot 2				40.03	SE.NW.				40.
Lot 3				40.31	NE.SW.				40.
Lot 4				40.60	NW.SW.				40.
Lot 2	6			40.46	SE.SW.				40.
SW.NE.				40.	SE.1/4				160.
Lot 3				40.28	Lot 1	2			38.22
Lot 4	6	6	8	40.71	Lot 2	2	7	5	38.63
Lot 5				40.62	S.1/2NE.				80.
SE.NW.				40.	Lot 3				39.03
Lot 6				40.64	S.1/2NW.				80.
Lot 7				40.65	Lot 4	4			40.70
W.1/2NE. 17				80.	SW.NW.				40.
E.1/2NW.				80.	Lot 3	5			40.39
NW.1/4 29				160.	Lot 4				40.24
SW.1/4				160.	S.1/2NW.				80.
NE.1/4 30				160.	SW.1/4				160.
E.1/2NE. 31				80.	S.1/2SE.				80.
W.1/2NW.32				80.	Lot 1	6			40.14
E.1/2SE.				80.	SW.NE.				40.
W.1/2SW.33				80.	SE.1/4				160.
					NE.1/4	7			160.
SW.NE. 33	7	4		40.	SE.NW.				40.
S.1/2NW.				80.	E.1/2SW.				80.
SW.1/4				160.	SE.1/4				160.
NW.SE.				40.	NE.1/4	8			160.
SW.NE. 34				40.	NW.1/4				160.
S.1/2NW.				80.	SW.1/4				160.

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
NW.SE.	8	7	5	40.	NE.1/4	23			160.
S.1/2SE.				80.	NW.1/4				160.
N.1/2NW.	9			80.	N.1/2SW.				80.
SE.1/4	11			160.	SE.1/4				160.
NE.1/4	12			160.	NE.1/4	24			160.
NE.NW.				40.	NW.1/4				160.
S.1/2NW.				80.	SW.1/4				160.
SE.1/4				160.	SE.1/4				160.
NE.1/4	13			160.	NE.1/4	25			160.
NW.1/4				160.	NW.1/4				160.
NE.1/4	14			160.	SE.1/4				160.
NE.1/4	17	7	5	160.	S.1/2SE.	26	7	5	80.
NW.1/4				160.	NW.NE.	27			40.
SW.1/4				160.	N.1/2NW.				80.
SE.1/4				160.	NW.SW.				40.
NE.1/4	18			160.	S.1/2SW.				80.
NE.NW.				40.	NE.1/4	28			160.
N.1/2SE.				80.	E.1/2NW.				80.
NE.NW.	19			40.	N.1/2SW.				80.
Lot 1				35.19	NW.SE.				40.
N.1/2NE.	20			80.	S.1/2SE.				80.
SW.NE.				40.	W.1/2NE.	30			80.
E.1/2NW.				80.	E.1/2NW.				80.
E.1/2NE.	21			80.	Lot 1				36.54
NW.NW.				40.	Lot 2				36.64
E. 1/2 SW.				80.	NE.SW.				40.
E.1/2SE.				80.	Lot 3				36.72
NW.NE.	22			40.	Lot 4				36.82
NW.1/4				160.	SE.SW.				40.
SW.1/4				160.	NW.SE.				40.
N.1/2SE.				80.	W.1/2NE.	31			80.
E.1/2NW.	31			80.	Lot 1	1	7	7	39.88
Lot 1				36.95	Lot 2				39.63
Lot 2				37.12	Lot 3				39.39
NE.SE.				40.	Lot 4				39.14

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
SE.SE.	32			40.	Lot 1	2			39.07
E.½NE.	33			80.	Lot 2				39.19
S.½SW.				80.	S.½NE.				80.
W.½NE.	34			80.	Lot 3				39.29
NW.¼				160.	Lot 4				39.41
SE.¼				160.	S.½NW.				80.
N.NE.	35			80.	Lot 2	3			39.01
SE.NE.	35	7	5	40.	SW.NE.	3	7	7	40.
SW.¼				160.	Lot 3				38.71
SE.¼				160.	SE.NW.				40.
Lot 3	6	7	6	40.07	E.½SW.				80.
Lot 4				34.32	W.½SE.				80.
Lot 5				34.49	E.½SE.	11			80.
SE.NW.				40.	NE.¼	12			160.
NE.SW.				40.	NE.NW.				40.
Lot 6				34.69	S.½NW.				80.
Lot 7				34.89	SW.¼				160.
SE.SW.				40.	SE.¼				160.
NE.SW.	7			40.	NE.¼	13			160.
Lot 3				35.37	NW.¼				160.
Lot 4				35.52	SW.¼				160.
SE.SW.				40.	E.½NE.	14			80.
NE.NW.	18			40.	NE.SE.				40.
Lot 1				35.65	S.½SE.				80.
Lot 2				35.75	N.½SW.	15			80.
SE.NW.				40.	N.½SE.				80.
					NE.SE.	21			40.
W. ½NE.	22	7	7	80.	Lot 3	6	7	8	40.44
E.½NW.				80.	Lot 4				36.63
N.½SW.				80.	Lot 5				36.79
SW.SW.				40.	NE.NW.	7			40.
N.½NE.	23			80.	Lot 1				37.71
E.½NE.	24			80.	Lot 2				37.88
N.½SE.				80.	SE.NW.				40.
SE.¼	25			160.	NE.SW.				40.

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
SW.NW.	26			40.	Lot 3				38.06
W.1/2SW.				80.	Lot 4				38.23
NE.SE.	27	7	7	40.	SE.SW.	7	7	8	40.
Lot 4	2	7	8	41.60	SE. 1/4				160.
S.1/2NW.				80.	N.1/2NE.	8			80.
SW.1/4				160.	SE. NW.				40.
NW.SE.				40.	SW.1/4				160.
Lot 1	3			41.60	S.1/2NE.	9			80.
Lot 2				41.60	NW. NW.				40.
S.1/2NE.				80.	E.1/2SW.				80.
Lot 3				41.60	SE.1/4				160.
Lot 4				41.60	NE.1/4	10			160.
S.1/2NW.				80.	NW.1/4				160.
SW.1/4				160.	SW.1/4				160.
SE.1/4				160.	SE.1/4				160.
Lot 1	4			41.59	NW.1/4	11			160.
Lot 2				41.58	SW.1/4				160.
S.1/2NE.				80.	SW.1/4	12			160.
Lot 3				41.56	SE.1/4				160.
Lot 4				41.55	NW.1/4	13			160.
S.1/2NW.				80.	W.1/2NE.	14			80.
SW.1/4				160.	NW.1/4				160.
N.1/2SE.				80.	SW.1/4				160.
SW.SE.				40.	W.1/2SE.				80.
N.1/2NE.	15			80.	S.1/2NE.	24	7	8	80.
N.1/2NW.				80.	NW.1/4				160.
S.1/2SE.				80.	N.1/2SW.				80.
SE.NE.	17			40.	SE.SW.				40.
SE.1/4				160.	SE.1/4				160.
Lot 4	18			38.74	NE.1/4	25			160.
SE.SW.				40.	NW.1/4				160.
S.1/2SE.				80.	SW.1/4				160.
NW.NE.	19			40.	SE.1/4				160.
S.1/2NE.	19	7	8	80.	SE.NE.	26	7	8	40.
NE.NW.				40.	NE.NW.				40.

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
Lot 1				38.90	NW.NW.				40.
Lot 2				39.10	SW.NW.				40.
SE.NW.				40.	NW.SW.				40.
NE.SW.				40.	NE.SE.				40.
Lot 3	19			39.30	S.1/2SE.				80.
N.1/2SE.				80.	NE.1/4	27			160.
NW.NE.	20			40.	NW.1/4				160.
S.1/2NE.				80.	N.1/2SW.				80.
SW.NW.				40.	SE.1/4				160.
NE.SE.				40.	NE.1/4	28			160.
NE.1/4	21			160.	N.1/2SE.				80.
NE.NW.				40.	SW.SW.	29			40.
S.1/2NW.				80.	Lot 1	30			39.70
NW.SW.				40.	Lot 2				39.90
NE.1/4	22			160.	NE.SW.				40.
NW.1/4				160.	Lot 3				40.10
SW.1/4				160.	Lot 4				40.30
SE.1/4				160.	SE.SW.				40.
N.1/2NE.	23			80.	SE.1/4				160.
NE.NW.				40.	NE.1/4	31			160.
S.1/2NW.				80.	NE.NW.				40.
SW.1/4				160.	Lot 1				40.42
Lot 2	31			40.48					
SE.NW.				40.					
NE.SW.				40.					
Lot 4				40.58					
SE.SW.				40.					
SE.1/4				160.					
NE.1/4	32			160.					
NW.1/4	32	7	8	160.					
SW.1/4				160.					
SE.1/4				160.					
SW.1/4	33			160.					
E.1/4NE.	34			80.					
N.1/2SE.				80.					

Des.	Sec.	T.	R.	Acres.	Des.	Sec.	T.	R.	Acres.
NE.1/4	35			160.					
S.1/2NE.	25	8	5	80.					
S.1/2NW.				80.					
SW.1/4				160.					
SE.1/4				160.					
NE.1/4	26			160.					
SE.1/4				160.					
SE.NE.	27			40.					
E.1/2SE.				80.					
S.1/2SW.	32			80.					
S.1/2NW.	33			80.					
SW.1/4				160.					
NE.NE.	34			40.					
NE.1/4	35			160.					
NE.NW.				40.					
SE.NW.				40.					
E.1/2SW.				80.					

Total number of acres, 40,506.45.

Plaintiff's Exhibit No. 142C.

LETTER FROM FRANK STEUNENBERG TO
MATTHIAS ZAPP, DATED DEC. 27th, 1904.

“BARBER LUMBER COMPANY,
Boise, Idaho.

Dec. 27, 1904.

Matt Zapp,

Assessor, Boise Co.,

Idaho City, Idaho.

Dear Sir: Herewith, list of lands (by name) on which Mr. Koelsch paid taxes last year. There are a number to be added to this list for this year, list of which I will bring with me. Make out receipts

to the individual to whom assessed. I will be in Idaho, Friday or Saturday.

Very truly,

FRANK STEUNENBERG."

Plaintiff's Exhibit No. 142D.

ENVELOPE ADDRESSED TO HON. MATT. ZAPP, IDAHO CITY, IDAHO, WITH RETURN ADDRESS, BARBER LUMBER COMPANY, BOISE, IDAHO.

"After 7 days return to
BARBER LUMBER COMPANY,
BOISE, IDAHO."

"Hon. MATT ZAPP,

Idaho City,

Assessor.

Idaho."

Plaintiff's Exhibits Nos. 143A to 143, etc.

EXHIBITS OF L. G. CHAPMAN.

Plaintiff's Exhibit No. 143A.

Plat Book Marked C. B. Conners, Chippewa Falls, Wisconsin, dated July, 1902.

(Send up original.)

Plaintiff's Exhibit No. 143B.

Plat Book Marked 6-4, C. B. Conners, Chippewa Falls, Wisconsin.

(Send up original.)

Plaintiff's Exhibit No. 143C.

List and Estimates of timber land owned by Barber Lumber Company, in Idaho.

(Send up original.)

Plaintiff's Exhibit No. 143P to 143W.
STATEMENT FRANK STEUNENBERG AC-
COUNT.

"FRANK STEUNENBERG'S ACCOUNT.

1903.

Feb. 18.	To Paid your Draft.....	20,000.00	
20.	" " "	25,000.00	
Mch. 23.	" " "	20,000.00	65,000.00
Apr. 11.	" " "	10,000.00	
May 13.	" " "	7,500.00	17,500.00

June 2. Amounts paid you by A. E.

Palmer, as follows:

April 10-02.	Ck.	5,800.00	
" 11.	"	1,200.00	
" 25.	"	826.00	
May 2-02.	"	250.00	
June 16-02.	"	5,000.00	
" 25.	"	5,000.00	
" 26.	"	5,000.00	
" 30.	"	5,000.00	
July 7.	"	5,000.00	
" 21.	"	10,000.00	
Aug. 15.	"	5,000.00	
Oct. 31.	"	3,000.00	
Dec. 2.	"	6,000.00	57,076.00

June 2. F. Stuenenberg share in

Sweet Land deal.....

3,750.00

June 2. By Apr. 10-02. Cost of 97 Titles.

	Forward,	143,326.00	
(Full claims and for Sherman			
& Jennie Thompson's claims			
(120 acres) as follows:			
78,200.+10,975.—32,925=	..56,250.00		
Advances to purchasing to date			
April 10, 1902.....	3,712.00		
Aug. 15, 1902, Pd. P. H. Downs			
for estimating 5 Scrip forties			
in 7-5E and 8-5E.....	250.00		
Mch. 23, 1903, Paid Samuel and			
Emma Swan a/c mortgage			
SE. ¼ 35-8-5E. and SW. ¼			
25-7-5E.	1,393.50		61,605.50
June 30. June 23, 1903, Deposited to your			
credit		50,000.00	
July 7. By Jan. 2, 1903, paid W. E.			
Borah before Land Board....	350.00		
By 78 Titles @ 950.00.....	74,100.00		74,450.00
Forward		193,326.00	136,055.50

FRANK STEUNENBERG.

1903.

	Forward	193,326.00	136,055.50
July 7.	By Jan. 21, 1903. Paid W. E. Pierce & Co., advance payment on options viz.,		
	Coston.....\$500.00		
	Drake..... 100.00		
	Bedal..... 200.00		
	McMahon... 200.00	1,000.00	
	April, 27. Paid on Coston option	125.00	
	May, 26. Kate & Joe Perrault.	7,500.00	
	June 1. Pd. on Coston option..	125.00	8,750.00
	By April 8, 1903. Paid W. E. Borah 6 Mos. retainer to July 1, 1903		600.00
	By 12/5/02. Advance Taylor trip to Crooked River.....	7.00	
	1/2/03. Same	75.00	
	4/10/03. Paid J. C. Stevenson balance Survey a/c.....	86.50	
	4/15/03. Paid W. H. Taylor balance on trip to Crooked River	253.82	
	7/7/03. Paid Buchanan helper to Taylor.....	27.00	449.32
July, 7.	By your expense account Dec. 1902 to July 1, 1903 and itemized in Home office Expense Account		258.72
Nov. 30.	To Sept. 29. Paid your draft..	1,500.00	
	Oct. 16. " " " ...	3,000.00	
	" 16. " " " ..	10,000.00	14,500.00
Dec. 31.	To Dec. 10. Deb. to your Cr...	10,000.00	
	" 24. " " " ..	12,600.00	22,600.00
Jan. 3.	To Sent W. E. Borah, Chicago Draft for deposit Cr. your a/c	6,600.00	
Mch. 3.	To Sent W. E. Borah, Chicago Draft deposit Cr. your a/c...	10,000.00	
June, 30.	By Paid Jno. McMahon 2nd payment on land Mill Site 6/23/03.	500.00	
	6/27/03. Pd. I. N. Coston on land Mill Site.....	26,750.00	
	6/27/03. Pd. Isaac Bedal Payment on Land.....	2,550.00	
	6/29/03. Pd. Wm. Drake final payment on Land.....	5,100.00	
	10/23/03. Pd. Jno. McMahon final payment on Land.....	5,700.00	40,600.00
	Forward	247,026.00	186,713.54

3.

FRANK STEUNENBERG.

1904.

	Forward	247,026.00	186,713.54
June 30.	By Paid for Typewriting 7/1/03.	4.60	
	5/26/03. Board Idanha.....	54.55	
	10/13/03. Stamps, Sty. etc..	25.00	
	9/30/03. Board Idanha.....	88.10	
	11/16/03. Stage to Idaho City.....	7.00	
	1/4/04. Subscriptions, viz. Idaho Statement 1 year....	7.00	
	Boise County News.....	6.00	
	3/28/04. Capital News.....	5.00	
	" Typewriting.....	12.00	
	3/31/04. Board Idanha.....	211.25	
	4/5/04. Typewriting	14.50	
	" Board Idanha.....	102.00	537.00
	8/7/03. Paid for maps show- ing Forest reserves.....	2.00	
	8/14/03. Pd. Pat. Downs ex- penses to Crooked River with G. D. Hoseley	38.00	
	10/13. Pd. Pat. Downs ex- penses to Crooked River and lying N. P. Script on unsur- veyed land.....	36.00	
	3/28. Pd. W. R. Lake partial payment on Scrip, Min. & posting	100.00	
	Pd. Pat. Downs posting notices on Scrip location.....	200.00	
	4/19/04. Pd. W. R. Lake 2nd. partial payment on Scrip, min. & Posting.....	100.00	
	5/4/04. Pd. W. R. Lake, 3rd partial payment Scrip, etc.	100.00	
	May, 17, 04. pd. Mose Kempt- ner partial payment on land in Beaver Creek Meadows..	25.00	
	6/3/04. 17 Titles on Crooked & on North Fork @ 950. each.	17,150.00	
	5 Titles on N. Fork @ 800.00 each	4,000.00	
	25 Titles in Towns, 5-4-6-4 @ 800. each.....	20,000.00	
	2 Titles same Towns, @ 1,100. each	2,200.00	
	1 Title same Town.....	1,000.00	44,951.00
	Pd. 8/13/03. a/c. Forest fires John Wells trip to Center- ville	21.00	
	Pd. 9/1/03. Expenses trip to Boise a/c. Forest fires.....	30.00	51.00
	Forward.....	247,026.00	232,252.54

FRANK STEUNENBERG.

1904.

	Forward.....	247,026.00	232,252.54
June 30.	Pd. 9/26/03. George Young's expenses Fighting Forest Fires	167.00	
	Pd. 10/2/03. Abstract on McMahon Title Case.....	8.00	
	Pd. 10/13. Horse for Chapman.....	12.50	
	Pd. 10/23. Livery trip to Basin and Highland Dam with Chapman	43.00	
	Pd. 10/29. Trip to Basin with Chapman	30.00	
	Pd. 11/17. Trip to Twin Falls with Chapman.....	40.00	
	Pd. 4/19/04. A. T. Ingalls surveying McMahon lands..	15.50	
	6/30. Pd. W. E. Borah Feb. 22nd. to June 30th, as follows:		
	Livery for Hoseley.....	2.50	
	Abstract Co.	8.00	
	Recording Deeds, Boise Co....	39.80	
	John Kinkaid Services.....	200.00	
	J. J. Blake	3.50	
	Tom Callahan in McMahon Probate matter.....	100.00	
	Jonas Brown's fees.....	30.00	
	Recording Deeds, Boise Co. ..	198.00	897.80
	Pd. 7/2/03. W. E. Borah Costs in filing suits McMahon estate	50.00	
	Pd. 12/1/03. W. E. Borah balance salary as Attorney for 1903	600.00	
	Pd. 12/14/03. Expense in Trial cases	680.00	
	Pd. 1/2/04.....	20.00	
	Pd. 1/7/04. C. D. Hoseley...	250.00	
	Pd. 3/1/04. W. E. Borah salary as Attorney to July 1, 1904	600.00	2,200.00
	Pd. Dec. 30, 1903. Geo. W. Bidway cash 1st. National Bank, exch.		2.75
	Pd. 12/29/03. Pd. L. L. Folsom, Assessor Ada County for Texas, viz.,		
	Drake	8.50	
	Rand	13.29	
	Bedal	9.00	
	Coston	91.37	122.16
	12/30/03. Taxes on Timber land in Boise County.....	2,500.00	2,622.16
		247,026.00	237,975.25

FRANK STEUNENBERG.

1904.			
	Forward.....	247,026.00	237,975.25
June 30.	By Pd. 6/2/04. Jno. Kinkaid Taxes on Timber claims in Boise County:		
	Kinkaid	14.00	
	Downs	14.00	
	Carsell	14.00	42.00
	Pd. 1/4/04. I. C. Koelscher for train & Expenses trip to Idaho City a/c taxes on timber lands	25.00	67.00
	By Pd. 11/19/03. One (1) Title	800.00	
	Pd. 30/04. One (1) Title balance due Jno. Wells....	421.50	1,212.50
	By 1/1/03. Trip to Spokane, Eau Claire & Washington, D. C.	200.00	
	7/4/02. Pd. G. M. Parson, Atty. before Land Office...	400.00	
	11/12/02. Trip to Tacoma..	50.00	
	1/1/03. Pd. A. B. Campbell Spokane services Special Agt.	200.00	
	Pd. 9/29/02. Room Rent July, Aug. & Sept. to Mrs. Gil- lespie	24.50	
	Board July, Aug. & Sept....	22.00	
	Dec. 13/02. Board, Idanha, & December, 1902	122.75	
	Pd. Bank of Commerce Ex- change on checks A. E. P. April, 10, 1902, to 12/2/02.	40.00	1,059.25
Aug. 31.	By Collection on A. E. Palmer draft April 25, 1902.....	1.00	
	Error in Addition on first page statement of Oct. 5, 1903..	.50	1.50
		247,026.00	240,315.50
Dec. 19.	Balance	6,710.50	
1905.			
Jan. 9.	Ck. #766. To Idanha Hotel Co..	286.25	
" 27.	Error in extension of 17 Titles on North Fork @ 9.50. each.	17,150.00	
	Should be	16,150.00	1,000.00
Mar. 30.	Ck. #1246. To List Natl. Bank To Balance account of W. E. Borah.....	22.80	
June 16.	Ck. #1738. On account..	1,200.00	9,219.55

PINE LAND ACCOUNT.

1904.

Oct.	1.	To cash Ck. #34—W. R. Lake, Beulah B. Lake, NE. $\frac{1}{4}$, 8-6-4 Title #109...	\$800.00
"	11.	To cash Ck. #58—W. T. deed A. M. Briggs and quitclaim deed, B. M. Briggs to Barber Lbr. Co. SW. NE., N. $\frac{1}{2}$ SE. and SW. SE, 5-6-4 E. Title #191	800.00
Dec.	7.	To cash Ck. #434—Frank Martin NE. $\frac{1}{4}$, Sec. 34 6 N., 4 E., NW. NE., Sec. 27, N. $\frac{1}{2}$ SE. and NE. SE., Sec. 22, 6 N. 4 E., Titles 197 and 198, N. $\frac{1}{2}$ NE., W. $\frac{1}{2}$ NW., Sec. 10, 6 N., 4 E.....	2,850.00
"	19.	To cash Sunds. June 2nd, 1903—To amount paid Wm. Sweet by A. E. Palmer, April 10, 1902, by A. E. Palmer's Ck. #1007; viz: Wm. Sweet's Investments	21,950.00
		50% profit on same.....	10,975.00
		April 10, 1902, cost 97 Titles (full claims and for Sherman and Jennie Thompson's claims, (120 acres) as Follows: \$78,200+10,976—32,925	56,250.00
		advances to purchasing to date April 10, 1902	3,712.00
		Aug. 15, 1902, paid Downs for estimating Serip, 40's in 7 and 8-5 E.....	250.00
		March 23, 1903; paid Samuel and Emma Swan a/c. Mt. 9 SE. $\frac{1}{4}$ 35-8-5 E. and SW. $\frac{1}{4}$ 25-7-5 E.....	1,393.50
		Jan. 21, 1903, paid W. E. Borah, services before Land Board.....	350.00
		July, 7, 1903, 78 Titles @ 950.00.....	74,100.00
Aug.	7th.	Paid Stevenson for maps showing forest reserves.....	2.00
		8/14. Downs to Crooked River with Hoseley	38.00
		10/13. Downs Exp. to Crooked River, laying N. P. Serip on unsurveyed lands.	36.00
		Forward Sheet #2.....	169,056.50
			4,450.00

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PINE LAND ACCOUNT.

1904.

Forward Sheet #1.....169,056.50 4,450.00

Dec. 19.

3/28. W. R. Lake, partial payment on Scrip,
Minutes and Posting..... 100.00
Downs posting notices on Scrip, Loca-
tion 1st posting..... 200.00
4/19. W. R. Lake, 2nd partial pay-
ment on Script, Minutes and post-
ing 100.00
5/4/04. W. R. Lake, 3rd partial pay-
ment on Script, Minutes and posting. 100.00
5/7/04. Paid Morse Kemponer partial
payment on Land Beaver Creek
Meadows 25.00
6/30/04. 17 Titles on Crooked River
and North Fork @ 950.00 each....17,150.00
5 Titles on No. Fork @ 800.00 ea... 4,000.00
25 " in 5-4 and 6-4 @ 800.00....20,000.00
2 " same Twps. @ 1100.00..... 2,200.00
1 " " " " " 1,000.00

June, 30.

Nov. 19, 1903. 1 Title..... 800.00
6/30/04. Balance due Jno. J. Wells
one Title 412.50
10/8/03. Paid Coffin-Clinton Hdw.
Their bills 10/8/03 for tools..... 13.11
Oats, Boise Com. Co..... 6.10
Paid Stevenson for surveys, in unsur-
veyed Towns for laying N. P. Script. 418.18
Paid for making Townships, maps of
towns along Basin 34.00
Nov. 17. Expense a/e. sundry L. G.
Chapman 10.40
Nov. 27. Expense Chapman to Boise
and return and Expense of Board in
Idaho 273.15
Expense of G. D. Hoseley to Dec. 31,
1903, per his statement Jan. 1,
1904 710.94 216,609.88

Dec. 19.

G. D. Hoseley, viz.,
Ck. 2/5/04. Self Laying Script..... 20.00
" 3/16/04. " Looking Script Land.. 30.00
" 4/20/04. " For 6-5..... 25.00
" 3/24/04. " A. S. Holcomb(board). 4.00
" 5/26/04. " with M. Denny.25.00
Less cash retained by self.....11.75 92.25

Forward Sheet #3

221,152.13

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PINE LAND ACCOUNT.

1905.

	Forward Sheet #2.....	221,152.13	
Jan. 27.	Error Extension		
	17 Titles on N. Fork @ 950.00, 17,150.00		
	Should be,	16,150.00	1,000.00
" 28.	Check #841. G. D. Hoseley land Scrip:	800.00	
	" #842. Lots 2 (16.44), 7 (7.43), 8 (38.72), 9 (39.92), 10 (13.83) and SE. ¼ (40) NE. ¼ Sec. 25, T. 5 on R. 4 E. 156.34 acres, Title #200.....	500.00	
Feb. 22.	6430 Ft. Logs cut and not banked by J. W. & G. W. Burk and O. Madsen....		12.86
Mch. 3.	Check #1093. Ruth M. Hunt: SW. SW. and SE. SW. Sec. 22 and NE. NW. and NW. NW. 27, T. 6 R. 6, Title #201...	900.00	
May 1.	Check #1453. Thomas S. Martin: Lots 1 and 2 and S. ½ NE. ¼ Sec. 1, T. 7 N., R. 5 E., 159.01 acres, Title #207.....	800.00	
	SE. ¼ of NW. ¼, E. ½ of SW. ¼, NW. ¼ of SE. ¼ of Sec. 2, T. 7 N., R. 8 E., 160 acres, Title #207.....	800.00	
	Lots 3 and 4, S. ½ of NW. ¼ Sec. 3, T. 7 N., R. 8 E. (163 acres), except 5 acres around cabin, 158.20 acres, Title #209.....	800.00	2,400.00
May 15.	Check #1550. Frank Martin: Lot 4 and E. ½ of SW. ¼, Sec. 31, T. 7 N., R. 8 E., T. B. & M. J. Martin, 120.58 acres, Title #212.....	800.00	
	S. ½ SE. ¼ NE. ¼ SE. ¼ SE. ¼ NE. ¼ Sec. 17, T. 7 N., R. 5 E., E. J. and E. A. Phelps, 160 acres, Title #211.....	1,300.00	2,100.00
June 5.	Check, #1652. J. F. Cook: SE. NW. N. ½ SW. NW. SE. 17-5-4 E 160 acres, Title #215. Nellie M. Cook: W. ½ SW. 5-4-4 E. NW. 8-4-4 E., 120 acres, Title #214.....	3,500.00	
	Forward Sheet #4.....	231,135.13	1,012.86

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PINE LAND ACCOUNT.

1905.

Forward Sheet #3..... 231,352.13 1,012.86

June 12. Ck. #1688. Allen M. McClurg: SW. $\frac{1}{4}$
NE. $\frac{1}{4}$ Sec. 4, T. 4 N., R. 4 E., 40 acres,
Title #216..... 425.00

Aug. 7. L. L. Hoseley: Lot 1, NE. $\frac{1}{4}$ NW. $\frac{1}{4}$
and NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ Sec. 19, SW. $\frac{1}{4}$
SE. $\frac{1}{4}$ Sec. 18, T. 5 N., R. 4 E., 161.38
acres, Title #221..... 2,500.00

Aug. 2. Ck. #1986. Michall Koppas: SE. $\frac{1}{4}$
Sec. 12, T. 7 N., R. 5 E., 160 acres, Title
219..... 1,000.00

" 2. Ck. #1987. Evelyn O'Farrell: S. $\frac{1}{2}$ SE.
 $\frac{1}{4}$ Sec. 26, N. $\frac{1}{2}$ NE. $\frac{1}{4}$ Sec. 35, T. 7
N., R. 5 E., 160 acres, Title #220..... 1,000.00

Sept. 2. Ck. #2233. Victoria Louise Eoff: W. $\frac{1}{2}$
SE. $\frac{1}{4}$ and SE. SE. $\frac{1}{4}$ Sec. 8, NE. $\frac{1}{4}$
NE. $\frac{1}{4}$ Sec. 17, T. 6 N., R. 6 E., 160
acres, Title #223..... 900.00

Sept. 22. Ck. #2407. Idaho Trust & Sav. Bank
% Agnes L. Stewart: N. $\frac{1}{2}$ of NE. $\frac{1}{4}$
SW. $\frac{1}{4}$ of NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$
Sec. 12, T. 6 N., R. 6 E., 160 acres, Title
#225..... 800.00

Sept. 30. Ck. #2470. W. D. Fields: NP. Script
for Selection of SW. SE. Sec. 27, T. 6
N., R. 4 E., 40 acres, SW. NW. Sec. 17,
T. 5 N., R. 7 E., 40 acres, 80 acres @
7.25, Title 226..... 580.00

Oct. 21. Ck. #2694. Mathilde Valery: W. $\frac{1}{2}$
SW. $\frac{1}{4}$ Sec. 12, E. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 11, T.
6 N., R. 6 E., Title #227..... 850.00

Forward Sheet #5..... 239,407.13 1,012.86

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PINE LAND ACCOUNT.

1905.

	Forward Page 4.....	239,407.13	1,012.86
Nov. 4.	Portland Draft, Chas. H. McCrum: SW. SE. SE. SW. NW. SE. SW. NE. Sec. 32, T. 6 N., R. 4 E., NE. SE. SE. NE. Sec. 32, T. 6 N., R. 4 E., NW. SW., SW. NW. Sec. 33, T. 6 N., R. 4 E., Title #228.....	1,800.00	
Nov. 14.	Ck. #2939. John J. Blake: 40 acres Script @ 7.25 per acre to apply on SE. NE. Sec. 6, T. 4 N., R. 4 E., Title #229.....	290.00	
Nov. 23.	Ck. #2995. John J. Blake: NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ NE $\frac{1}{4}$ SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ Sec. 17, T. 5 N., R. 4 E., 160 acres, Title #230.....	750.00	
Nov. 29.	Ck. #3041. W. A. Johnson (Timber only): S. $\frac{1}{2}$ N. $\frac{1}{2}$ Sec. 20, T. 5 N., R. 4 E., Title #231.....	500.00	
Dec. 2.	Ck. #3064. W. D. Field: Script to cover Lot 4, Sec. 3, T. 5 N., R. 4 E., 24.18 acres, Title #232.....	175.00	
" 9.	Ck. #3142. John E. Tourtellotte: E. $\frac{1}{2}$ NW. $\frac{1}{4}$ E. $\frac{1}{2}$ SW. $\frac{1}{4}$ Sec. 23, T. 6 N., R. 6 E., 160 acres, Title #233.....	1,000.00	
" 14.	Ck. #3197. Patrick Sheriden: SE. NE. E. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 27, T. 8 N., NE. NE. Sec. 34, R. 5 E., 160 acres, Title #234..	800.00	
	Forward Sheet #6.....	244,722.13	1,012.86

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PINE LAND ACCOUNT.

1906.

	Forward Sheet #5.....	244,722.13	1,012.86
Feb. 5.	Ck. #2306. L. M. Pritchard: Balance % of Sam'l and Emma Swan, SE. $\frac{1}{4}$ Sec. 35-8-5 E., 160 Acres, SW. $\frac{1}{4}$ Sec. 25-7-5 E., 160 acres, S. & E. Swan to John J. Oberbellig, John J. Ober- belleg to Barber Lumber Co. 1393.50 part paid by F. Steenberg. See Entry Journal A, page 18 (page 1)...	306.50	
Mch. 22.	Ck. #4066. 1st Nat'l Bank of Idaho % John Bates: NE. NW. and N. $\frac{1}{2}$ NE. Sec. 20, T. 7 N., NW. NW. Sec. 21, R. 5 E., 160 acres, Title #235.....	1,019.35	
May, 8.	Ck. #4457. C. F. Davis: N. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 13, N. $\frac{1}{2}$ SW. $\frac{1}{4}$ T. 5 N., R. 3 E., 160 acres, Title #236.....	850.00	
May 8.	Ck. #4448. Dennis Thornton: SW. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 12, W. $\frac{1}{2}$ NW. $\frac{1}{4}$ T. 5 N., SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 13, R. 3 E., 160 acres, Title #237.....	850.00	
May 22.	Ck. #4554. Curtis F. Pike: NW. $\frac{1}{4}$ Sec. 21, T. 6 N., R. 5 E., 160 acres, Title #238.....	1,200.00	
" 26.	Ck. #4257. San Francisco Draft, J. P. Howe: W. $\frac{1}{2}$ SW. $\frac{1}{4}$ Sec. 32, S. $\frac{1}{2}$ NW. $\frac{1}{4}$ T. 6 N., R. 4 E., Title #239..	900.00	
June 7.	Ck. #4689. J. L. Niday for Julia M. Anderson: S. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 18, SE. SW. Lot 4 T. 7 N., R. 5 E., 154.96 acres, Title #240.....	1,100.00	
	Forward Sheet #7.....	250,947.98	1,012.86

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PINE LAND ACCOUNT.

1906.

	Forward Sheet #6.....	250,947.98	1,012.8
Aug. 3.	Ck. #5063. First Natl. Bank of Ida. @ Mary E. Thayer: Timber only on SW. SE. Sec. 21, W. $\frac{1}{2}$ NE. T. 5 N., R. 4 E., NE. NE. Sec. 28, Lots 1-2-3, Sec. 34.....	400.00	
" 6.	Payment made to Payette Lumber Co. on July 11, 1906: Titles #241 to 301, Inclusive, 11,045.53 Acres.....	68,528.15	
" 17.	\$1.25 per M. on 2,517,493 ft. banked cut from Company's lands, 1904-05, as follows: Company Camps .....1,317,113 Schoonover " 278,310 Burt Madsen " 430,570 Scanlon " 341,180 Richardsons " 150,320 <hr/> 2,517,493		3,146.8
" 17.	\$1.25 per M. on 9,875,230 ft. logs banked—cut from Company lands as follows: Company Camps.....9,137,870 Clemens Bros Camps..... 527,030 Richardsons " 163,820 Schoonover " 22,050 Scanlon " 24,460 <hr/> 9,875,230		12,344.0
Oct. 8.	Ck. #5767. John I. Wells: NW. $\frac{1}{4}$ Sec. 14, T. 7 N., R. 5 E., Title #303..	1,250.00	
Nov. 7.	Ck. #6214. Frank Martin: SW. $\frac{1}{4}$ Sec. 13, SE. $\frac{1}{4}$ Sec. 14, SW. $\frac{1}{4}$ Sec. 14, T. 7. N., E. $\frac{1}{2}$ NW. $\frac{1}{4}$ R. 5 E., W. $\frac{1}{2}$ NE. $\frac{1}{4}$ Sec. 15, Title #304.....	5,400.00	
	Forward Sheet #8.....	326,526.13	16,503.7

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PINE LAND ACCOUNT.

1906.

Forward Sheet #7..... 326,526.13 16,503.76

Dec. 12. Ck. #6686. G. D. Hoseley: E. $\frac{1}{2}$ SW.

and W. $\frac{1}{2}$ SE. 28—6 N., 8 E..... 3,500.00

1907.

Mch. 29. Ormsby Bros.: Grazing privileges from
Mar. 29, 1907 to Mar. 29, 1908, Sec.
3-4-5-8-9-17-18, T. 5, R. 4 E.....

57.50

April 3. Ck. #7937. G. H. Harvey $\frac{1}{2}$ Susie T.
and F. C. Davis: NW. $\frac{1}{4}$ Sec. 9, 6 N.,
6 E., 160 acres, Title #310.....

1,000.00

" 3. Ck. #7938. Grace M. and C. L. Joy:
S. $\frac{1}{2}$ NE. Sec. 4, 6 N., 6 E., and S. $\frac{1}{2}$
NW. Sec. 4, 6 N., 6 E., 160 acres, Title
#309.....

1,000.00

" 3. Ck. #7939. Martha A. and Elmer For-
shay: SW. $\frac{1}{4}$ Sec. 4, 6 N., 6 E., 160
acres.....

1,000.00

May 1. Ck. #8195. G. H. Harvey for following
lands bought of Estelle Ostner and
Albert W. Ostner:

SW. SE. Sec. 1, 6 N, 6 E.

NE. SW. " 1, " "

S. $\frac{1}{2}$ SW. " 1, " "

Title #312..... 1,000.00

" 11. Ck. #8347. F. W. Wood land as follows:
Entire S. $\frac{1}{2}$ Sec. 30, 5 N., 4 E.

East $\frac{1}{2}$ NW. $\frac{1}{4}$ " " "

SW. NE. " " "

Lot 1 " " "

S. $\frac{1}{2}$ SE. Sec. 25, " "

" SW. " " "

Containing 640.72 acres, Title #313.. 2,000.00

Oct. 28. Land Script. Title #202..... 32,100.00

See description on following pages.

Forward Sheet #9..... 368,126.13 16,561.26

(8a.)

PINE LAND ACCOUNT.

Title #202, viz.,

Title #203.—Continued.

Lot 1.	Sec. 6	7 N. R. 5 E.	SW. NE.	Sec. 26	5 N. R. 4 E.
SW. NE.	" 6	"	SW. NW.	" 26	"
N. 1/2 NW.	" 9	"	SE. SW.	" 26	"
SW. NE.	" 17	"	NE. NE.	" 27	"
NW. SE.	" 17	"	NW. NE.	" 27	"
			SE. NE.	" 27	"
Lot 1	" 19	"	Lot 7.	" 27	"
NE. NW.	" 19	"	NE. SW.	" 28	"
SE. NW.	" 20	"	SE. NW.	" 32	"
SW. NE.	" 20	"	NE. SW.	" 32	"
NW. SW.	" 27	"	SW. SW.	" 4	4 N. R. 4 E.
NW. SE.	" 28	"	SE. SW.	" 5	"
N. 1/2 SW.	" 28	"	NW. SW.	" 13	"
Lot 2.	" 30	"	SW. SE.	" 13	"
Lot 2	" 31	"	NE. SE.	" 13	"
SE. SE.	" 32	"	NE. SE.	" 14	"
S. 1/2 SW.	" 33	"	SW. SE.	" 18	"
SE. NE.	" 35	"	NE. SW.	" 18	7 N. R. 5 E.
Lot 3.	" 6	7 N. R. 8 E.	SE. NW.	" 18	"
" 4.	" 6	"	NE. NE.	" 24	7 N. R. 4 E.
" 5.	" 6	"	NE. SW.	" 28	"
SE. NW.	" 8	"	NW. SW.	" 28	"
N. 1/2 NE.	" 8	"	NE. SE.	" 28	"
NW. SE.	" 17	"	NW. SE.	" 28	"
N. 1/2 SE.	" 30	"	NE. NE.	" 9	6 N. R. 4 E.
NE. SW.	" 30	"	SW. SE.	" 10	"
SW. NW.	" 10	6 N. R. 4 E.	SW. SE.	" 12	"
SE. SW.	" 10	"	Entire SE. 1/4	25	"
NE. NE.	" 13	"	NW. SE.	" 27	"
SW. NE.	" 19	"	SE. SE.	" 30	"
SW. NW.	" 22	"	E. 1/2 SW.	" 34	"
SE. NW.	" 23	"	W. 1/2 SE.	" 34	"

vs. The Barber Lumber Company. 5235

E. 1/2 NE.	"	25	"	N. 1/2 SE.	"	6	7 N. R. 8 E.
NE. NE.	"	28	"	NE. NW.	"	8	"
NE. SW.	"	32	"	SE. SE.	"	19	"
N. 1/2 NW.	"	33	"	W. 1/2 SW.	"	20	"
				NE. SW.	"	20	"

Title #203, viz.,

NE. SW.	Sec. 3	5 N. R. 4 E.
SW. SE.	" 5	"
NW. NE.	" 8	"
NW. NW.	" 9	"
SE. SW.	" 9	"
NW. NW.	" 10	"
NE. NE.	" 10	"
NE. NE.	" 13	"
NW. NE.	" 13	"
SW. SW.	Sec. 13	5 N. R. 4 E.
SE. SE.	" 14	"
SW. NW.	" 15	"
Lot 1.	" 22	"
" 2.	" 22	"
SW. SE.	" 22	"
NE. NE.	" 23	"
SE. NE.	" 23	"
NE. NE.	" 26	"
NW. NE.	" 26	"

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PINE LAND ACCOUNT.

Title #204, viz.,

Title #205, viz.,

Lot 1	Sec. 26,	7 N. R. 4 E. NW. SE.	Sec. 5	7 N. R. 5 E.
" 2	" 12	6 N. R. 4 E. SW. NE.	" 9	"
" 5	" 13	" SE. NE.	" 20	"
" 9	" 13	" NE. SW.	" 33	"
" 4	" 24	" SW. SE.	" 26	7 N. R. 4 E.
" 5	" 24	" SE. SE.	" 26	"
" 8	" 24	" NE. SE.	" 26	"
" 10	" 24	" SW. NE.	" 28	"
" 11	" 24	" SE. NW.	" 28	"
" 1	" 25	" SE. NE.	" 33	"
" 3	" 25	" SE. NW.	" 5	6 N. R. 5 E.
" 4	" 25	" SE. NE.	" 7	"
" 5	" 25	" NW. NE.	" 12	6 N. R. 4 E.
" 6	" 25	" NW. NE.	" 13	"
" 7	" 25	" SE. NE.	" 13	"
" 1	" 26	" NW. NE.	" 25	"
" 2	" 26	" SW. NE.	" 25	"
" 3	" 26	" SE. SE.	" 26	"
" 4	" 26	" NE. NE.	" 30	"
" 2	" 3	5 N. R. 4 E. SW. SW.	" 34	"
" 3	" 3	" SW. SW.	" 20	5 N. R. 4 E.
" 7	" 3	" Lot 13.	" 3	"
" 9	" 3	"		
" 10	" 3	"		
" 11	" 3	"		
" 11	" 3	"		
" 15	" 3	"		
" 16	" 3	"		
" 1	" 25	"		
" 3	" 5	6 N. R. 5 E.		
" 3	" 7	"		
" 4	" 7	"		
" 7	" 7	"		
" 8	" 7	"		

Total Acreage, 5952.22 acres.

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PINE LAND ACCOUNT.

1907.

	Forward Sheet #8.....	368,126.13	16,561.26
Nov. 18.	Harwood Glen Mining Co.		
	Trespass on		
	E. $\frac{1}{2}$ NE. $\frac{1}{4}$ 20—7 N.—5 E.		
	200 ties @ 25¢.....	\$50.00	
	3000 ft. Bed pieces		
	1760 " 29 pcs. 6x8—22.....	9.52	59.52
" 18.	Ck. #10212. Wm. Vanwinkle for fol- lowing land:		
	W. $\frac{1}{2}$ SW. $\frac{1}{4}$ 20—7 N.—5 E.		
	NE. SE. 19 "		
	SE. NE. 19 "		
	160 acres.....	1,800.00	
" 22.	Cash collected of Wach Chung for stumpage on 22 cords Wood, cut from our lands. Collected by Dennis Thornton.....		15.00
" 22.	5 cords Wood cut from our land bought by A. L. Tennan, Centerville. Stump- age on same		2.00
" 27.	Our charge of Nov. 18, 1907, cancelled by Mr. Chapman against Harwood Glen M. Co.....	59.52	
Dec. 10.	Check of Jose Menarde for grazing privileges.....		75.00
" 31.	Stumpage on logs cut 1906—1907 from our lands, 11,920.520 ft. @ 1.25....		14,900.05
" 31.	Stumpage on logs cut from Hoseley claim by Connors and Wright 1906— 1907, 403.740 ft @ 1.25.....		504.67
	Forward Sheet #10.....	369,985.65	32,118.10

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PINE LAND ACCOUNT.

1908.

	Forward Sheet #9.....	369,985.65	32,118.10
Sept. 15.	Stumpage on pine timber cut by Boston & Idaho G. D. Co., on W. $\frac{1}{2}$ NW. 31- 6 N.-6 E. 26.190 ft. logs @ 2.00.52.38 6,460 " " @ 1.50.....	9.69	62.07
Oct. 5.	Voucher #10014. John J. Blake, Land bought of Hugh McKendrick: N. $\frac{1}{2}$ NW. $\frac{1}{4}$ 32, 5 N., 4 E. SW. $\frac{1}{4}$ " " " NW. $\frac{1}{4}$ SW. $\frac{1}{4}$ " "	800.00	
" 15.	C. Cowley for pasturage on Sec. 19, 20, 7 N., 5 E. 3 horses 15 days each...45 days 2 " 3 " " ... 6 "		
	51 " @ 25¢		12.75
Nov. 10.	Voucher #11015. L. G. Chapman: N. $\frac{1}{2}$ NE. and N. $\frac{1}{2}$ NW. Sec. 33, Town 7 N., R. 5 E., bought of J. A. Pinney..	1,750.00	
" 14.	Voucher #11034. David Jenkins: SE. NE. and SW. NW. Sec. 5 T. 4N R. 4E.....	500.00	
" 16.	Centerville M. and M. Co., Timber cut in trespass from following lands: 70,541 ft. Yellow Pine, 2.50...176.35 8711 ft. Bull Pine, 1.50..... 13.07 1935 Lineal ft. Poles, .02..... 38.70		228.12
" 20.	Timber cut by Centerville Mine & Mill- ing Co. on Sec. 28, 7 N., 5 E.: 84735 ft. Yellow Pine, 3.50....296.57 17936 ft. Dead Pine, 1.00..... 17.94 2080 Lineal ft. poles, .02..... 41.60		356.11
	Forward Sheet #11.....	373,035.65	32,777.15

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PINE LAND ACCOUNT.

1908.

	Forward Sheet #10.....	373,035.65	32,777.15
Dec. 11.	Voucher #12021. Cavanah & Blake: SE. SE. 10, SW. SW. 11, 7 N., 5 E. E. ½ NE. 15.....	1,250.00	
" 31.	Error entry Aug. 28, 1908: 7020 ft. dead-down Timber, 50¢..3.50 12 cds. Wood, 50¢.....6.00 above should be credited Lands.		9.50
" 31.	Stumpage on logs cut Season 1907-1908: 5,431.280 ft. @ 1.25.....		6,789.10
		374,285.65	39,575.75

NORTHERN PACIFIC LAND DEAL #1.

1904.

Dec. 19.	May 16, 1904, Chicago Ck. to A. E. Macartney, payment on contract for 2640 acres land in Idaho, bought of Northern Pacific Ry. Co. Title #206..	5,000.00
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1906.

Jan. 31.	Contract with Northern Pacific Ry. Co. dated May 17, 1904, for 2640 acres unsurveyed land @ 10.00 per acre, \$26,400.00, less \$5,000 paid. Title #206..	21,400.00
		<u>26,400.00</u>

NORTHERN PACIFIC LAND DEAL #2.

1905.

Apr. 26.	Ck #1401. W. R. Lake services % Scrip...\$35.00 W. R. Lake Helper.....	14.00	49.00
May 2.	Ck. #1470. Broadway Stables April %.....		4.00
" 3.	Ck. #1482. Ed. Straus order to E. W. Hancock for moving Lake outfit.....		6.50
" 25.	Ck. #1580. Idaho Com. Co. 4/11/05 Lake's trip....		3.59
July 10.	Cash to W. R. Lake.....		10.00
Aug. 1.	For lieu rights to enter 1,000 acres of unsurveyed government lands: 480 acres in Secs. 20 and 30, T. 6 N., R. 5 E., @ 9.00..4,320.00 520 acres in Sec. 19, T. 6 N., R. 5 E., @ 7.00.....3,640.00 Interest 4½ Mo. @ 4%.....119.40 N. P. Script.....8,079.40		8,079.40
Aug. 4.	Ck. #2006. E. E. Garrett, Rec. Fees.....		14.00
1906.			
Jan. 26.	Cash H. L. Fisher, Expenses and Attorney fees....		800.00
			<u>8,966.49</u>

Plaintiff's Exhibit No. 143R.

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LAND EXPENSE ACCOUNT.

1904.					
Aug. 30.	Ck. #5.	L. G. Say, examining lands for fire.....	14.50		
Sept. 9.	Ck. #13.	Statesman Printing Co., legal notices.....	50.00		
" 16.	Ck. #21.	H. L. Woodburn, work in fire in T. 6-5...	25.00		
Oct. 8.	Ck. #47.	P. H. Downs, posting notices on Scrip land.....	100.00		
" 10.	Ck. #50.	Recorder of Boise Co., recording 2 deeds..	2.80		
" 11.	Ck. #57.	Geo. D. Barnard, for plats.....	2.82		
" 28.	Ck. #87.	N. H. Young, putting out fires in T. 8-5 E.	54.75		
Nov. 23.	Ck. #306.	Kate Gorman, Recorder, 144 pat- ents.....	144.00		
		5 deeds.....	7.20	151.20	
Dec. 8.	Expense of trip to fire:				
		Toll	1.50		
		Hotel	13.50		
		Expense .....	.30	15.30	
Dec. 1.	Ck. #343.	E. M. Goodrich % W. R. Lake.....	2.00		
" 2.	Ck. #364.	Statesman Printing Co., Legal notices..	50.00		
" 9.	Ck. #515.	Auditor & Recorder, Boise County.....	4.30		
" 19.	1 Tent	bought of Pioneer Tent & Awning Co., 10/8/ 03. First credited Home office and charged per- sonal property, now charged Land Expense and credited personal property.....	22.85		
Dec. 19.	March 29,	1902. Pd. Dennis Thornton.....	150.00		
	May 22.	" " "	100.00		
	June 28.	" " "	100.00		
	June 30.	Land books to Thornton.....	10.28	360.28	
Aug. 8.	Paid	Dennis Thornton.....	150.00		
	10.	" C. B. Connor.....	200.00	350.00	
	26.	Paid. Wm. Anderson.....	50.00		
Sept. 3.	"	"	100.00		
	16.	" for recording deeds.....	6.00		
	19.	" Thornton.....	100.00		
	22.	" "	272.65	528.65	
Oct. 7.	"	Wm. Anderson.....	46.25		
	"	C. B. Connors.....	125.20	171.45	
June 2, 1903.	Pd. by A. E. Palmer for looking land and estimating timber:				
	4/2/02.	Ck. #1000. Pat. Downs.....	17.00		
	4/4/02.	Ck. #1003. D. Thornton.....	65.75		
	4/10/02.	Ck. #1029. "	16.10		
	4/10/02.	Ck. #1030. "	25.00		
	"	Ck. #1031 & 1033. Thorn.....	69.75		
	6/9/02.	Ck. 1046. M. E. Lally.....	213.00		
	6/14/02.	Ck. #1049. D. Thornton.....	54.50		
	"	Ck. #1050. "	33.75		
	"	Ck. #1057. Connors	25.00		
	"	Ck. #1054-3. "	75.00		
	6/16/02.	Ck. #1055. P. H. Downs.....	43.50		
	7/3/02.	Ck. #1073. Connors	90.20		
	7/14/02.	Ck. #1076. Thornton.....	40.50		
	7/31/02.	Ck. #1086. McMasters	86.50		
	8/13/02.	Ck. #1094. Thornton	46.55	902.10	

Forward..... 2,808.00

vs. The Barber Lumber Company. 5241

—2—

	Forward.....	2,808.00	
1904.			
Dec. 19.	May 27, 1903. Pd. A. E. Palmer for services.....	2,500.00	
	July 7. Disbursements by Steunenberg:		
	12/5/02. Cash paid Taylor.....	7.00	
	1/20/03. " " ".....	75.00	
	4/10/03. C. C. Stevenson, balance, survey account.....	86.50	
	4/15/03. W. H. Taylor, balance trip to Crooked River.....	253.82	
	7/7/03. Pd. Buchanan, helper to Taylor...	27.00	449.32
	April 11. Sundry amounts paid by A. E. Pal- mer to men for examining land as per your report on file.....		580.45
	June 30. Sundry amounts paid by F. Steunen- berg as follows:		
	8/14/03. Jno. I. Wells, trip to Centerville % forest fires.....	21.00	
	9/1/03. Steunenberg, trip to Basin % forest fires.....	30.00	
	9/26. Geo. F. Young, expenses fighting for- est fires.....	167.00	
	10/2/03. Abstracts and maps % McMahon Title Case.....	8.00	
	Oct. 10, 1902. Horse for Chapman Script- ing land.....	12.50	
	10/23/03. Livery trip to Basin and High- land Dam with Chapman.....	43.00	
	10/29. Trip to Basin with Chapman.....	30.00	
	11/17/03. Trip to Twin Falls.....	40.00	
	4/19/04. A. T. Ingalls, surveying McMahon lands.....	15.50	
	6/30/04. Disbursements by W. E. Borah 2/22 to 6/30/04:		
	Livery for Hoseley.....	2.50	
	Abstract Co. (Pan Handle).....	8.00	
	Recording Deeds Boise Co.....	39.80	
	Jno. Kinkaid, services.....	200.00	
	J. J. Blake, ".....	3.50	
	Tom Callahan, " in McMahon Probate matter.....	100.00	
	Jonas Brown's fees.....	30.00	
	Recording Deeds, Boise Co.....	198.00	948.80
	Jany. 1, 1903. Steunenberg, trip to Spokane, Eau Claire, Wis., and Washing- ton, D. C.....		200.00
Dec. 17.	G. D. Hoseley, expense % to Centerville, etc., viz.....		52.25
	Overnight at Tom Newlin's.....	3.50	
	Repairing wagons.....	10.25	
	Trip to Centerville.....	8.75	
	Mineral plat of T. 5-4.....	5.00	
	1 Compass.....	5.50	
	4 dinners double team at W. R. Barn.....	3.00	
	9 dinners single horse W. R. Barn.....	4.50	
	10 dinners.....	10.50	
	Trip with yoke.....	9.25	
	Forward.....		7,538.82

LAND EXPENSE A/C.

1904.		Forward.....	7,538.82
Dec. 19.	Hoseley % Cr. Ck. 1/5/04. Gibson Bros. team in corral.....	1.50	
	Ck. 2/9/04. M. C. Prosse, rent.....	4.50	
	Ck. 6/8/04. E. E. Garrett Co.....	15.05	21.05
Dec. 19.	G. D. Hoseley, looking after fires and for land scrip.		6.25
1905.			
Jan. 3.	Ck. #648. W. R. Lake, 4 days posting Scrip notices, 4 days scaling logs Grimes Creek.....		35.00
Jan. 4.	Ck. #673. W. L. Cuddy, recording deed from H. L. Rand.....	1.20	
Jan. 7.	Ck. #700. W. H. Kempner, Inv. 10/16/04.....	11.52	
Jan. 30.	Ck. #844. Recording patent of W. D. N. W. Young to A. E. Palmer.....	2.40	
Jan. 31.	Ck. #859. P. H. Downs, Bal. due for posting notices T. 6 & 7 N., R. 4 E. and T. 7 N., R. 5 E. and 7 N. R. 8 E.....	80.03	
Feb. 3.	Cash Registered mail fee patents to Kate Gorman..	.80	
Feb. 6.	Cash Registered mail fee patents to Kate Gorman..	.14	
Feb. 7.	Ck. #945. Statesman Co., Advertising lots 2-7-8- 9-10, SE. NE. 25, 5 N., 4 E.....	7.50	
Feb. 15.	Cash Postage on patents.....	.13	
" 17.	Ck. #1023. Auditor and Recorder Boise Co., Inv. 2/13/05.....	54.00	
" 21.	Ck. #1038. Auditor and Rec. Boise Co., recording #2809 and 10.....	2.00	
Mar. 2.	Ck. #1085. Statesman Ptg. Co., Feb. a/c.....	10.00	
" 3.	Cash. Expense on Land Script.....	.35	
" 3.	" Registered letter to Recorder of Deeds.....	.08	
" 6.	Ck. #1105. W. R. Lake, Running lines on Cage re- linquishments.....	10.30	
" 15.	Ck. #1180. Recorder of Boise Co., Recording #3893	1.40	
" 28.	Ck. #1234. Statesman Bal. avt. Lots, 2-7-8-9-10 and SE. NE. 25, 5 N., 4 E., Cage ralin.....	2.50	
Apr. 24.	Ck. #1387. Express on diagram books.....	1.50	
" 25.	Ck. #1396. Auditor Boise Co.....	1.40	
" 28.	Ck. #1420. Land Plats.....	24.75	
May 1.	Ck. #1446. A. Nixon, map of timber holdings....	37.00	
May 2.	Ck. #1473. Citizen's Coal April a/c.....	5.75	
" 8.	Ck. #1520. Auditor & Recorder Boise Co., Record- ing #207-8.....	2.80	
" 12.	Ck. #1543. Recording Title #201.....	1.00	
" 22.	Ck. #1568. " " " #212.....	1.40	
June 16.	Ck. #1735. " " Inv. 6/10/05.....	17.20	
" 20.	Ck. #1750. " " Title #216.....	2.40	
July 1.	Ck. #1806. 3 Document files.....	3.00	
" 11.	Cash. Express on Tax book.....	2.10	
" 12.	" " Plats to Book Co.....	.52	
" 22.	Ck. #1919. Recording Titles 209-13.....	2.40	
" 26.	Ck. #1944. E. G. Egleson, platfs of 6-5 and 2-9....	7.50	
	Forward.....		7,895.83

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LAND EXPENSE A/C.

1905.		Ford.....	7,895.83
Aug. 2.	Ck. #1983.	Recording Title #83-97-218.....	5.80
" 5.	Ck. #2009.	Panhandle Abst. Co., 8/1/05.....	4.50
" 11.	Ck. #2065.	Recording Titles 221-109-115-116, 153-200-211-219-220.....	13.40
" 11.	Ck. #2066.	Pac. Sta. Ptg. Co.....	8.50
Sept. 5.	Ck. #2247.	J. B. Emery, Idaho City, Pd. 7 men for fighting fire.....	43.75
" 6.	Ck. #2265.	Statesman Ptg. Co., Aug. %.....	32.00
" 18.	Ck. #2382.	Recording Title 223. 224.....	2.80
" 25.	Ck. #2427.	" " 169.....	1.00
Oct. 5.	Ck. 2515.	" " 225.....	2.40
" 5.	Ck. 2516.	Boise Book & M. Co.....	49.75
" 16.	Ck. 2625.	Recording Titles #202.....	1.70
Nov. 4.	Ck. 2873.	" " Kate Gorman, #202-212-227 and 224.....	4.50
" 14.	Cash.	J. J. Blake, fee for N. P. Script, Selection #6, viz., SW. SE. 27, 6 N., 4 E., SW. NW. 17. 5 N., 4 E..	2.00
Dec. 6.	Ck. 3106.	A. Nixon, plat of 5 N., 3 E.....	4.50
" 9.	Ck. 3154.	Transit.....	82.50
" 9.	Ck. 3160.	Printing notices % Script Selections, SW. SE. 17, 6 N., 4 E., SW. NW. 17, 5 N., 4 E.....	36.00
" 12.	Thornton,	18 days' work on fires.....	45.00
" 21.	Ck. 3251.	Recording Titles 207-211-233 and 234..	6.80
" 30.	% E. G. Mullen of Wis.,	Feb. 25, 1904, to Sept. 4, 1904. Pay and expenses Washington, D. C., arranging with Forestry Bureau for an investigation into the merits of an exchange of timber from lands within the limits of the proposed "Saw Tooth Forest Reserve," Idaho, 10 days, March and April, 1904.....	133.33
		Pay for service in connection with entries pending in the General Land Office from Feb. 25th to March 25th, 1904. During this period, 33 entries were approved and ordered to Patent, and 24 entries were patented and patents transmitted..	66.00
		Pay and expenses, trip to Washington, D. C., June 17th to July 16, 1904.	
		R. R. Ticket to Washington and return.....	48.04
		Sleeping and Parlor car tickets, Wash. & return.	12.40
		Meals, Omnibus fares, etc., at Washington, D. C.	13.70
		Room and Meals, 25¼ days.....	126.25
		Sundry expenses, including Stationery, postage, rent of typewriter, street-car tickets, etc.....	16.75
		Telegram to J. C. Barber, July 13th.....	.71
		" " " 14th.....	.40
		Traveling, Viz.,	
		R. R. ticket Milwaukee to St. Paul and return..	12.50
		Sleeping car ticket and porter.....	4.20
		Breakfast St. Paul.....	.65
		Typewriting, letter to M. Purchat, 7/15.....	.60
		Pay, June 17th to July 16th, Inc.....	250.00
		" Services at ———, July 17 to Aug. 1st, Inc., 16 days.....	48.00
		Ford.....	8,976.16

1905.

Forward.....	8,976.16
Telegram to Mr. Purchat, July 30th....	.62
“ “ J. C. Barber, Aug. 1st....	.49
“ “ Milwaukee....	1.00
“ “ M. Purchat, Aug. 3rd.....	.85
For expenses during trip to Boise, Idaho, from Aug. 3 to Aug. 28, Inc.	
R. R. tickets Chicago and return from -----	13.54
R. R. tickets Chicago to Boise and re- turn.....	79.00
Sleeping and parlor-car tickets ----- to Boise and return Via. Salt Lake....	25.90
Meals, omnibus fees, etc.....	23.20
Hotel bill, Boise.....	30.50
Sundry expenses, Boise.....	4.75
For services 25 days.....	208.33
For services at -----, Aug. 29th to Sept. 4th, Inc.....	21.00

1906.

Jan. 3.	Ck. 3308. Lyon Cobb, expenses to Idaho City to pay taxes.....	11.00
“ 4.	Ck. 3374. S. Smith, witness, 1 day % Title 230, 10/22/05.....	2.75
“ 26.	Ck. 3534. Recording patent.....	1.00
Feb. 26.	Ck. 3651. “ Titles 209-143-208....	3.60
Mar. 28.	Ck. 4103. “ “ 235.....	1.40
May 12.	By Cash. This Booth grazing permit on lands in 5-4 and 6-4, 1 year.....	37.50
May 22.	Ck. 4552. Diagram from Needechen.....	6.67
“ 29.	Ck. 4579. Recording Titles 238.....	2.40
June 8.	Ck. 4702. “ Patent.....	2.40
“ 29.	Labor putting out fires % R. R. Survey....	376.86
July 6.	Falk Merc. Co. %.....	3.14
“ 2.	Ck. 4884. Sloan-Scharf.....	14.00
Aug. 6.	Cutler Lewis expenses up Mann River, June 5, 1906.....	13.50
“ 19.	Cash. Express paper to Mary E. Thayer...	.50
Sept. 4.	Ck. 5328. Recording Title #241.....	2.40
“ 8.	Ck. 5384. Statesman Ptg. Co.....	1.50
“ 24.	Ck. 5552. Kate Gorman, filing deed.....	2.60
“ 27.	Cash. Kate Gorman refunded.....	.20
Oct. 1.	Ck. 5640. E. E. Garrett, Rec. fees on Title 232.....	20.22
“ 6.	Cash F. Walmond, blue print land plats.....	1.00
“ 11.	Ck. 5798. E. E. Eagleson, Tracings T. 2 N., 7 and 8 E., T. 1 N., 9 E.....	13.00
“ 18.	Ck. 5920. Recording Title 214-230.....	3.40
“ 26.	Cash. Balance due on fees, Title 232, E. E. Garrett.....	.45
“ 27.	Ck. 6000. Recording Title 236.....	2.40
Nov. 8.	Ck. 6221. “ “ 204.....	1.00
“ 27.	Ck. 6471. “ “ 304 5-6-7.....	10.00
Dec. 8.	Ck. 6608. “ deed.....	1.40
“ 26.	Ck. 6870. Lyon Cobb, fare to Idaho City & return.....	6.00
Dec. 27.	Ck. 6885. Recording Title 308.....	2.40
“ 29.	Cash. Expenses L. Cobb to Idaho City.....	4.75
“ 31.	W. E. Borah.....	800.00
	For'd.....	10,696.68

37.20

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1907.		Ford.....	10,696.68	37.20
Feb. 6.	Ck. 7322.	Statesman Co.....	8.50	
" 16.	" 7469.	Recording Title 231.....	2.40	
Mar. 16.	" 7754.	" " 200.....	1.00	
Apr. 25.	" 8133.	" deeds to Titles 309- 10-11.....	5.10	
May 10.	Ck. 8327.	Recording Title #312.....	2.20	
" 31.	" 8534.	" 2 patents S. G. Moon.....	3.60	
		4 deeds.....	4.80	
		3 patents.....	3.00	11.40
July 12.	Sunds.	Expense Telephone.....	.25	
Aug. 31.	Ck. 9531.	Recording 3 patents.....	3.00	
		" 1 deed.....	1.20	
Oct. 1.	Ck. 9807.	Abstract of Reeves property...	7.25	
" 9.	Ck. 9889.	Recording 3 deeds.....	4.80	
Nov. 1.	Ck. 10060.	" Pat. to A. S. Holcomb land.....	1.00	
Dec. 27.	Ck. 10520.	Recording pats. and deed, Van Winkel.....	2.20	
" 31.	Ck. 10465.	Maurice M. Myers, Van Winkel abstract.....	3.50	
" 31.	Sunds.	Paid for fighting fire, Sept., Oct., Nov.....	21.50	
" 31.		Cruising % of 1907.....	2,961.57	
1908.				
Jan. 8.	Ck. 10621.	Smeed Bros. %.....	3.00	
" 31.		Dennis Thornton, expense.....	3.75	
" 31.		Cigars for McConnell.....	3.00	
" 31.		Dennis Thornton, salary.....	100.00	
" 24.		Cobb, trip to Idaho City.....	10.50	
Feb. 29.		Dennis Thornton, salary.....	100.00	
" 10.		J. K. Dickie, stopping bill.....	2.50	
" 10.		Cutler Lewis, exp. to Emmett.....	4.40	
" 10.		Smeed Bros.—Thornton horse.....	3.00	
Mch. 6.		Fighting fires 1907.....	293.78	
" 6.		etc. to Dennis Thornton in March.....	79.40	
" 31.		Dennis Thornton, salary.....	100.00	
" 31.		Smeed Bros.—Thornton horse.....	2.25	
Apr. 30.		Call stopping bill.....	1.00	
" 30.		Dennis Thornton, salary.....	100.00	
May 31.		" " ".....	100.00	
June 30.		" " ".....	100.00	
July 31.		" " ".....	100.00	
" 31.		" " expense July.....	7.15	
" 31.		Fees on Tax Certificate.....	1.50	
Aug. 31.		Dennis Thornton, salary.....	100.00	
" 31.		" " expense August.....	20.50	
" 31.		Fighting fire near Centerville.....	34.00	
Sept. 7.		Thornton's work for B. & I. G. D. Co.....		13.00
" 30.		" " expense September.....	11.80	
" 30.		" " salary.....	100.00	
" 30.		Provisions for Thornton.....	6.09	
" 30.		Fighting fire.....	9.00	
Oct. 15.		Dennis Thornton, supplies.....	6.96	
" 31.		" " salary.....	100.00	
" 31.		" " stopping bill and provisions for October.....	10.25	
" 31.		Paid man to Thornton.....	22.00	
		10/10. Recording McKendrick deed.....	1.20	
Nov. 25.		Provisions and grain for Thornton.....	41.60	
		from Camp		
" 30.		Dennis Thornton, Nov. expenses.....	7.75	
" 30.		" " salary.....	100.00	
		Ford.....	15,419.43	50.20

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Ford..... 15,419.43 50.20

LAND EXPENSE %.

1908.

Nov. 30.	11/14. expenses to Cutler Lewis to Centerville in trespass case.....	6.75	
	11/18. Recording 2 patents & deed Jenkins to B. L. Co.....	3.20	
	11/28. Recording deed and Patent J. A. Pinney to B. L. Co.....	2.20	12.15
Dec. 22.	Recording Leitzke deed.....	1.70	
" 31.	D. Thornton, salary.....	100.00	
" 31.	" " expenses.....	6.80	
" 31.	" " Stopping bill, Idaho City, Nov.....		10.30

1906.

Dec. 31. % to Profit Loss..... 10,659.98

1907.

Dec. 31. % to Profit Loss..... 3,036.87

1908.

Dec. 31. % " " " 1,804.33

15,551.38 15,551.38

Plaintiff's Exhibit 143S.

ATTORNEY FEES %.

1904.		
Sept. 29.	Ck. #28. W. E. Borah 6/24 to 9/24.....	300.00
Dec. 19.	Apr. 8, 1903. Pd. W. E. Borah 6 mo. retainer fee to July, 1903.....	600.00
	July 2. Pd. W. E. Borah costs in suit to Q. C. Title, McMahon Lands.....	50.00
	Dec. 1. Pd. W. E. Borah balance of salary as Attorney for 1903.....	600.00
	Dec. 14. Pd. Expenses in Trial cases.....	680.00
Jan. 2.	Paid Expenses in Trial cases.....	20.00
June 1.	Paid W. E. Borah, salary as Attorney to July 1, 1904.....	600.00
July 1.	Paid G. M. Parson, Attorney before land office.....	400.00
	Nov. 12, 1902. F. Steunenberg, trip to Tacoma, Washington, % interview Senator Foster.....	50.00
	Jan. 1, 1903, paid A. B. Campbell for services Special Agent.....	200.00
Dec. 17.	Ck. #560. Borah Salary.....	900.00
1905.		
Jan. 9.	Ck. #760. C. W. Moore for M. G. Cage, balance of 1904.....	250.00
Jan. 19.	Ck. #808. W. E. Borah, extra services.....	37.50
Jan. 27.	Hoseley's check 1/6/04 to M. G. Cage.....	250.00
July 26.	Ck. #1896. W. E. Borah.....	50.00
Sept. 26.	Ck. #2440. " on %.....	75.00
Dec. 14.	Ck. #3200. " 1 year 6/12/05-6/12/06 1200, less amt. paid 75.00.....	1,125.00
1906.		
Dec. 15.	Ck. #6117. W. E. Borah, salary 6/14/06 to 6/14/07.	1,200.00
Dec. 31.	Moody, Atty. fees.....	244.80
1907.		
Oct. 8.	Silas Moody.....	125.00
	A. A. Fraser.....	200.00
	Littleton Price.....	263.20
Oct. 1.	Ck. #9808. A. S. Richardson, clerk of court fees in appeal L. G. Chapman.....	17.30
	Ck. #9851. Mr. Bundy.....	600.00
	Ck. #9881. Mr. Hawley.....	250.00
	Ck. #9882. A. A. Fraser.....	500.00
	Ck. #9911. J. W. Hart, Clerk, for filing brief in water right case.....	
	Ck. #10017. W. E. Borah, expenses Land cases.....	515.40
		1,882.70
Nov. 18.	Ck. #10209. Statesman for printing briefs.....	12.00
Dec. 21.	Ck. #10479. Cavanah & Blake, for W. E. Borah.....	700.00
	Ck. #10590. Brannan & Heald, 2/c Court Stenog.....	50.00
	Ck. #10594. O. P. Heald, taking transcript Borah case.....	37.95
Dec. 21.	Ck. #10595. Branun, taking transcript Borah case.....	87.95
		875.90
Forward.....		10,991.10

ATTORNEY FEES %.

1908.

	Forward.....	10,991.10	
Feb. 1.	A. A. Fraser.....	100.00	
Mar. 3.	Ck. #3011. D. T. Miller bal.....	79.80	
Mar. 18.	A. A. Fraser, certificate copys of plea in Frank Martin's case.....	20.00	
Mar. 27.	Ck. #3150. Silas Moody.....	150.00	
Apr. 11.	Ck. 4091. Cavanah & Blake.....	100.00	
May 26.	Ck. #5159. Borah, Cavanah & Blake, Fee Homer Kelly case.....	250.00	
Oct. 13.	Ck. #10064. Cavanah & Blake, retainer.....	600.00	
			<hr/>
			12,290.90

Plaintiff's Exhibit 143T.

MILL PROPERTY %.

1902.

Oct. 17.	Paid F. Steunenberg for survey of Millsite.....	67.50	
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1903.

Jany. 21.	Paid W. E. Pierce Co. advance payment on option, viz.,		
	Coston.....	500.00	
	Drake.....	100.00	
	Bedal.....	200.00	
	McMahon.....	200.00	1,000.00
			<hr/>
Apr. 27.	May Payment Coston option.....	125.00	
May 6.	Kate & Joseph Perrault.....	7,500.00	
June 1.	June Payment Coston Ranch.....	125.00	8,750.00
			<hr/>
Nov. 16.	Paid D. O. Stevenson his bill Sept. 1st and Nov. 11, 1903, for surveying.....		54.00

1904.

June 30.	Pd. Jno. McMahon, 6/27/03, 2d partial payment on land.....	500.00	
	I. N. Coston, payment on Millsite.....	26,750.00	
	Isaac Bedal, final payment on land.....	2,550.00	
	Wm. Drake, final payment on land.....	5,100.00	
	Jno. McMahon, 10/23/03, 3d partial payment.....	700.00	
	10/23/03. Jno. McMahon, final payment on land, Millsite.....	5,000.00	40,600.00
			<hr/>
			49,471.50

Plaintiff's Exhibit 143U.

Boise Office

In Account with Eau Claire Office, Eau Claire, Wis.

1904.

Aug. 31.	To Cash Wm. Carson's draft on Chicago favor L. G. Chapman, given about Aug. 10th to 20th, 1904.....	500.00	
Sept. 7.	To Cash paid your Draft #1.....	1,000.00	
" 21.	" " " " " 2.....	1,000.00	
" 27.	" " " " " 3.....	1,000.00	
Oct. 8.	" " " " " 4.....	2,000.00	
" 15.	" " " " " 5.....	2,000.00	
" 21.	" " " " " 6.....	3,000.00	
Nov. 1.	" " " " " 7.....	5,000.00	
" 9.	" " " " " 8.....	5,000.00	
" 16.	" " " " " 9.....	5,000.00	
" 17.	" " " " " 10.....	5,000.00	
" 17.	" Cash paid freight on Castings Eau Claire to Stanley and shipped in car of lumber.....	7.62	
" 26.	To Cash paid your Draft #11.....	5,000.00	
Dec. 14.	" " " " " 12.....	10,000.00	
" 14.	" " " " " 13.....	10,000.00	
" 14.	" " " " " 14.....	10,000.00	
" 14.	" " " " " 15.....	10,000.00	
" 14.	" " Paid North Western Lbr. Co. car Lumber.....	345.44	
" 14.	By Balance E. G. Mullen's % transferred to this office.....		250.00
" 17.	To Cash paid your Draft #16.....	10,000.00	
" 19.	" Bal. Frank Steunenberg %.....	6,710.50	
	" G. D. Hoseley ".....	479.00	
	" Mill Property ".....	49,471.50	
	" N. P. Land deal ".....	5,000.00	
	" Land ".....	216,609.88	
	" Land Expense ".....	6,991.05	
	" Coston Ranch ".....	216.62	
	" Live Stock ".....	534.80	
	" Taxes ".....	2,689.16	
	" Personal Property ".....	22.85	
	" Expense ".....	2,127.19	
	" Attorney Fees ".....	3,200.00	
	By Balance L. G. Chapman's %.....		1,245.37
	Balance.....		378,410.24
		379,905.61	379,905.61

1904.

Dec. 19. To Balance.....378,410.24

Plaintiff's Exhibit 143V.

Eau Claire, Wis., Dec. 21, 1904.

Boise Office, Dr.

To Home Office, Expense %.

1902.

Mch. 6. Paid F. Steunenberg Expenses.....\$190.00

1903.

July 7. Paid F. Steunenberg expenses Dec. 1902, to July 1,
1903, viz.:

Dec. 1902.	Telegrams.....	3.27	
Jan. 18.	Telegram J. T. Barber.....	2.05	
" 20.	Maps of Boise.....	2.50	
" 22.	Board Idan-ha.....	15.00	
" 24.	Telegram.....	.35	
" 30.	Board Idan-ha.....	11.50	
Feb. 14.	" ".....	27.50	
" 20.	Typewriting.....	2.00	
Mch. 15.	Express to E. C.....	.50	
" 17.	Board Idan-ha.....	25.25	
Apr. 3.	Express on Deeds.....	.60	
" 7.	Board Idan-ha.....	20.75	
" 23.	" ".....	17.50	
" 23.	Tel. to Rawling, Wyo.....	.50	
May 2.	Tel. to 1st Nat. Bk.....	.25	
" "	Taylor to F. S.....	.25	
" 6.	Forwarding Telegram.....	.75	
" 16.	Express on Deeds.....	.25	
" 16.	Recording Articles, Incorporation Abstracts and Deed.....	51.70	
June 3.	Typewriting.....	4.00	
" 9.	Board Idan-ha.....	55.25	
" 10.	Typewriting.....	3.00	
" 13.	Board Idan-ha.....	12.50	
" 13.	Telegrams.....	1.00	
" 16.	Tel. from Wiley.....	.50	258.72

1904.

June 30. Paid Steunenberg Expenses:

July 1, 1903.	Typewriting.....	3.00	
" 21.	" ".....	1.60	
" 26.	Board Idan-ha.....	54.55	
Oct. 13.	Stationery, etc.....	25.00	
" 26.	Board Idan-ha.....	88.10	
Nov. 16.	Statesman to Idaho C.....	7.00	
Jan. 2.	Idaho Statesman.....	7.00	
" 4.	Board Idan-ha.....	6.00	
Mch. 18.	Capital News.....	5.00	
" 28.	Typewriting.....	12.00	
May 5.	" 10.00 & 4.50.....	14.50	
" 5.	Board Idan-ha, Oct. to May 5th.....	313.25	537.00

\$985.72

—2—

EXPENSE ACCOUNT.

1904.	Forward.....	985.72	
June 30.	F. Steunenberg Expenses, viz.,		
	Sept. 22, 1902. Pd. Room Rent to Mrs.		
	Gillispie, Aug. & September, 1902.....	24.50	
	Sept. 29, 02. Board July, Aug. & Sept...	22.00	
	Dec. 13, 1902. Idan-ha Hotel to Decem-		
	ber, 1902.....	122.75	169.25
" 30.	Salary of L. G. Chapman, Boise, Sept. 10th		
	to Nov. 30, 1903, 2½ Mos. @ \$5,000.00....		972.22
			<hr/>
			\$2,127.19

Plaintiff's Exhibit 143W.

TAX ACCOUNT.

1903.			
Dec. 29.	Paid L. S. Folsom, Assessor Ada County,		
	for Taxes, viz.,		
	Drake.....	8.50	
	Rand.....	13.29	
	Bedal.....	9.00	
	Coston.....	91.37	122.16
Dec. 30.	Pd. G. F. Redway, Cashier First Natl.		
	Bank, Boise, Taxes on Timber lands in		
	Boise County.....	2,500.00	
1904.			
June 2.	Pd. Jno. Kinkaid Taxes on Timber claims		
	in Boise County as follows:		
	Kinkaid.....	14.00	
	Downs.....	14.00	
	Cassell.....	14.00	42.00
Jany. 4.	Pd. I. C. Koelscher expenses to Idaho City		
	% Taxes on Timber lands.....	25.00	2,689.16

Plaintiff's Exhibit No. 143BB.

Loose Leaf Ledger Sheet The Commercial Bank,
Caldwell.

Plaintiff's Exhibit No. 1, L. S. D.

(Page 1.)

Exhibit No. 1 L. S. D. 3/20/07

Account No. 2.

Filed Oct. 1, 1907. A. L. Richardson, Clerk.

The Commercial Bank

Caldwell, Idaho.

FRANK STEUNENBERG.

Date	To whom paid	Amount	chk.	Deposits	Balance
Feb'y. 28	Page 435				15.82
Mch. 8	Stg. Ptg. Co.			11.77	27.59
20	Joe	4.			23.59
30	Julian	5.			18.59
Apr. 5	Self	40.		500.	478.59
6	E. B. S.	10.			468.59
12	A. H. Boyd	21.15			447.34
	Cash	5.			442.34
13	L. C. Rice	65.45			
	Thos. Elliot	42.50			334.39
	Land Commr.				
18	James Peppard	24.			310.39
19	A. K. S.	250.		1000.	1060.39
20	Dft.	4.			
	A. H. Boyd	9.			
	E. B. Steunenberg	40.			1007.39
22	Rky. Mtn. Bell Tel. Co.	7.50			
	Jos. Small	18.75			
	W. H. Benham	9.			
	Chas. Cupp	15.			957.14
24	G. H. Van Wyngarden	22.			935.14
25	Cash	10.			925.14
27	G. H. Van Wyngarden	110.45			
	Anderson Cox	12.			802.69
29	H. N. Maxey	10.			792.69
	Lorin Tompkins	4.15			
	S. B. Dement	10.35			778.19
4	C. K. Book	50.			777.69
6	Jos. Small	15.			
	Chas. Cupp	18.			
	W. H. Brenham	8.50			
	H. N. Maxey	15.		25.	746.19
8	G. H. Van Wyngarden	24.			722.19
	Anderson Cox	18.			
	A. M. Cox	18.			
	H. N. Maxey	15.			642.99
14	Cash	5.			
	J. P. Quick	11.			
	Chas. Cupp	17.25			
	Jas. Small	15.			
	J. M. Peppard	22.			572.74
18	W. A. Smith	5.			567.74
230	Jas. Small	15.			

(Page 1.)

FRANK STEUNENBERG.

Date 1901	To whom paid	Amount chk.	Deposits	Balance
	J. M. Peppard	24.		
	H. N. Maxey	15.		
	W. H. Benham	5.50		
	E. C. Hickok	21.		487.24
21	G. H. Van Wyngarden.....	24.		463.24
22	R. Fower	3.60		459.64
23	Dft.	4.		
	G. Rhu	10.		
	Self	20.		425.64
24	E. B. S.	25.		
	Chas. Cupp	18.		382.64
25	J. D. Quick.....	12.		370.64
27	A. M. Cox	18.		
	H. Benham	9.		
	Twin Falls	25.		
	G. H. Van Wyngarden	24.		294.64
28	Charley Cupp	18.		276.64
29	A. M. Cox	18.		258.64
31	Jas. Peppard	24.		234.64
June 1	H. N. Maxey	7.50		
	J. D. Quick	12.		215.14
3	H. N. Maxey	8.75		
	A. M. Cox	18.		
	Tom Wheeler	8.		
	Col.	20.		180.19
4	G. H. Van Wyngarden	24.		
	Chas. Cupp	15.		
	W. H. Benham	9.		
	Jas. Peppard	18.80		113.39
5	John Bloomfield	14.25		99.14
7	J. D. Quick	9.20		
	A. B. Dement	24.05		65.89
8	K. B. K. ....	.20		65.69
10	Grant R. Lee	9.		
	G. Van Wyngarden	24.		
	W. H. Benham	24.		
	Chas. Cupp	18.		
	J. M. Peppard	9.85		
	D. M. Weaver	13.		13.16
12	E. E. Hickok	35.75		67.91
13	Chas. Cupp	6.75		
	A. M. Cox	12.		86.66

(Page 1.)

FRANK STEUNENBERG.

Date 1901	To whom paid	Amount chk.	Deposits	Balance
June 21	E. B. S.	15.		
	G. H. Van	25.	126.	126.66
22	B. F. Tranor	3.		129.66
24	M. H. Benham	15.		
	E. Marlen	4.		148.66
26	Self ...	20		168.66
28	M. H. Benham	5.		
	Dft. ...	4.		177.66
July 1	M. H. Benham	7.		184.66
7	A. Greenland.....	15.25		
	E. C. Hickok	19.75		219.66
8	M. H. Benham	10.		
	Self ...	10.		239.66
11	H. W. Blatchley	5.10		244.76
13	Self ...	5.		249.76
15	B. F. Hankoff	3.50		
	"	128.80		
	Twin Falls	100.		482.06
17	E. B. S.	15.		497.06
24	Dft. Joe	4.		501.06
26	E. B. S.	10.		511.06
29	J. J. Apperson	3.60		514.66
30	Nat ...	2.95		517.61
31	C. B. Martaw.....	16.		
	E. C. Hickok	17.50		551.11
Aug. 3	T. M. Word	11.25	350.31	212.05
5	C. D. Hankoff	99.53		311.58
(2) 12	Brought Over			311.58
12	Twin Falls	125.		
	Mr. E. B. S.	25.		461.58
14	Joe ...	4.		465.58
26	C. Hay	6.75		473.33
30	Int.	3.		475.33
Sept. 2	Hay	6.60		481.93
4	E. B. S.	20.		501.93
7	J. M. Peppard	1.50		503.43
9	D. M. Weaver	14.		
	B. F. Hankoff	42.35		559.78
10	E. B. S.	10.		
	E. C. Hickoff	51.85		621.63
11	W. A. Orvin	19.50		641.13
13	Mr. E. B. S.	40.		681.13

FRANK STEUNENBERG.

Date 1901	To whom paid	Amount chk.	Deposits	Balance
	16 E. H. Snyder	2.80		683.93
	20 Joe	4.		687.93
	20 Chris Fahy	13.33		701.26
	Inst.	6.75		708.01
Oct.	5 E. C. Hickok	30.		738.01
	8 Self ...	50.		788.01
	19	25.		813.01
	25 Geo. Mulher ...	36.75		849.76
	28 Joe	4.		853.76
	30 Int. for Oct.	7.50		861.26
Nov.	2 E. C. Hickok	65.		926.26
	4 Self ...	10.		936.26
	5 P. F. Pfeiffer	3.05		939.31
	7 E. B. S.	25.		964.31
	18 L. E. Hay	5.		969.31
	20 Self	10.		979.31
	21 E. B. Steunenberg	25.		1004.31
	22 S. B. Dément	2.65		1006.96
	23 Walker Bros. D. G. Co.	90.		1096.96
	25 W. G. McNulty	8.07		1105.03
	26 E. C. Hickok	48.27		1153.30
	29 Cash	1.		
	Int. ...	10.		1164.30
	30	58.		1222.30
Dec.	3 L. E. Hay	5.		1227.30
	5 Joe ...	8.		
	A. K. S. Cashier.....	100.		
	E. B. S.	10.	2000.	654.70
	10 T. J. Caldwell ...	3.70		651.
	11 L. E. Hay	20.15		
	Walker Bros.	30.71		600.14
	12 R. Fower.....	2.70		597.44
	14	40.30		637.74
	16 H. Dinwoodie Co.	70.80		566.94
	17 E. B. S.	15.		551.94
	21 E. C. Hickok	25.		
	C. W. Cooper	31.40		495.54
	23 A. Greenland	30.		456.54
Jan.	2 J. C. Guster.....	92.49		
	Ed. Meek			
	Geo. Williams	8.40		354.65

FRANK STEUNENBERG.

Date 1901	To whom paid	Amount chk.	Deposits	Balance
Jan. 3	A. H. S.	9.25		
	"	4.65		340.75
4	Self ...	5.		235.75
8	"	5.		330.75
10	E. C. Hickok	10.		320.75
13	Mack Wagner	5.80		314.95
17	Jake Staum	10.	300.	604.95
18	E. B. Steunenberg	25.		
	Wm. Eggleston	11.30		
	Self ...	25.		534.65
20	John Jackson ...	6.		537.65
22	B. C. Nall	6.53		531.12
28	E. B. S.	15.		516.12
29	A. K. S.	80.90		435.22
30	The Spokane	2.50		
	Allen & Gilbert Co.	10.		422.72
Feby. 1	Telephone ...	.25		422.47
2	....		100.	522.47
4	A. Greenland ...	25.		497.47
6	E. B. Steunenberg	20.		477.47
12	Overland Hotel	2.		
	"	5.50		469.97
13	Mr. E. B. S.	20.		449.97
15	Dft. ...	8.		441.97
17	T. C. Eggleston	39.14		402.83
24	Art. Smith	2.50		
	E. B. Steunenberg	15.		385.33
28	....		15000.	15385.33
Mch. 1	Laura Patten	7.25		
	Self ...	200.		15178.08
3	The Hotel Co.	6.05		
	Jake Hurn	20.		15152.03
4	Int.	48.88		15103.15
5	C. K.	15000.		103.15
18	Cash to Kinkaid	3000.	15000.	12103.15
21	" "	15.		
	Watt McFall	5.		12083.15
22	....		175.	12258.15
26	Self ...	2000.		10258.15
31	E. B. S.	20.		
	"	10.		
	Overland Hotel	11.50		10216.65

(Page 1.)

FRANK STEUNENBERG.

Date 1901	To whom paid	Amount chk.	Deposits	Balance
Apr. 1	Telephone .....	.35		10216.30
2	A. Greenland	15.		10201.30
3	E. W. Schubert, Mgr.	5.		10196.30
	W. S. Whitehead	3.75		10192.55
8	E. W. Schubert	2.50		
	F. W. Nat. Id.	800.		9390.05
9	"	40.		9350.05
11	Geo. S. Cole	5.		9345.05
12	W. R. Weaver	1.		9344.05
14	.. .....		5800.	15144.05
17	E. Hickok	43.50		
	R. Farren	1.90		15098.65
19	Wm. E. B.	10.		
	J. W. Green	15.		15073.65

Plaintiff's Exhibit No. 2, L. S. D.

(Page 2.)

Ex. 159A. 3/30/07.

Date 1902	To whom paid	Amount chk.	Deposits.	Balance
Apr. 23	But over.....			15073.65
	A. J. Wiley	30.		15043.65
29	John Grover	21.65		15022.
30	Dft.	4.		15018.
May 5	E. C. Hickok	28.75		
1	Idanha ...	10.		14979.25
6	C. H. Arbuckle	25.		14954.25
8	A. J. Wiley	41.		
	Self	10.		14903.25
12	C. H. Arbuckle	150.		
	Idanha Hotel ...	2.50		
	E. B. Steunenberg	15.		
	Ralph Oaks ...	16.		14719.75
16	Idanha Hotel	5.		14714.75
17	John S. Wells	20.		14694.75
19	Idanha Hotel	8.25		
	E. C. Hickok	50.95		14635.55
20	R. Farran	4.50		14631.05
22	Dft.	4.		14627.05
23	E. B. Steunenberg	10.		14617.05
26	"	20.		
	Idanha Hotel	11.		14586.05
29	Ed Smith	40.		14546.05
June 2	Idanha Hotel	4.50		14541.55
4	.....		30.	14571.55
4	Self ...	5.		14566.55
6	E. B. S.	20.		
	Self ...	20.		14526.55
7	C. P. Hintey	12.50		14514.05
9	Jake Hoover	5.		14509.05
10	John Kinkaid	2500.		12009.05
14	Self ...	40.		11969.05
16	Mr. E. B. Steunenberg	25.		11944.05
18	F. W. Nat. of Idaho	1200.		10744.05
19	E. C. Hickok	29.25		
	Idanha Hotel	11.		10703.80
23	A. K. S.	2000.		8703.80
24	Idanha Hotel	5.		8698.80
27	Cash ...	5000.		
	Falk Bl. Merc. Co.	11.		
	Idanha Hotel	5.75	5000.	8682.05
30	Mr. E. B. S.	25.		

(Page 2.)

FRANK STEUNENBERG.

Date 1902	To whom paid	Amount chks.	Deposits.	Balance
	Com. Bank	4.	8653.05	
	Over Dft. June 4	30.	8623.05	
July 1	Self	75.		
2	Fred Schwindiman	36.50	5000.	13511.55
3	E. C. Hickok	39.50		13472.05
5	Self	5.		13467.05
7	F. J. Reid	4.		
	Idanha Hotel	10.50		
	Exchange Charge	5.		13447.55
9	Coml. Bank	2000.		
	Self	20.		
	Idanha Hotel	2.50	5000.	16425.05
	Mary Jenkins	50.		
	Bk. of Commerce	2500.		13875.05
July 12	A. Greenland	7.50		13867.55
14	.....		1000.	14867.55
16	L. E. Hay	5.	140.27	15002.82
17	Self	5.		14997.82
19	Geo. Redway Cash	2500.		12497.82
23	Cash	1500.		
	Coml. Bank	75.	15000.	25922.82
24	A. K. S. Cashier.....	1000.		24922.82
26	Dft.	4.		24918.82
28	G. A. Williams	19.		
	Wm. Sweet	3520.		
	Cash	15.	175.	21539.82
Aug. 5	Self	150.		
	S. D. Hartkopf	40.85		
..	A. K. S. Cashier	2500.		18848.97
6	Wm. Sweet	1500.		17348.97
13	E. E. Hickok	54.05		
	W. S. Galbraith	3.		17291.92
14	John Walker	16.		17275.92
18	Joe	4.		17271.92
21	Commercial Bank	1000.		16271.92
25	Self	50.	150.	16370.92
26	D. M. Treanor	5.		
	W. H. Taylor	30.		
	G. B. Read	42.50		16294.42
29	J. M. Kinkaid.....	3250.		
	Com'l Bank	100.	360.	13304.42
30	H. A. Griffiths	25.		13279.42
Sept. 1	W. H. Taylor	20.		13259.42

(Page 2)

Date 1902	To whom paid	Amount chk.	Deposits.	Balance
Sept. 3	Idanha Hotel	10.		13249.42
5	Laundry.....	1.15		
	Idanha Hotel	10.		13238.27
8	D. D. Campbell	38.50		13199.77
9	Idaho Hdwe. & Plumb. Co.	12.60		13187.17
10	Note and int. W. Stone	1100.		
	Self	25.		
	Cash	4.		12058.17
15	Mrs. E. B. Steunenberg	20.		12038.17
16	Norman & Armstrong	4.50		12033.67
18	Self	20.		12013.67
19	Pd. on Stone note	200.		11813.67
22	C. C. Anderson	13.09		11800.58
23	Self	20.		11780.58
27	Falk Merc. Co.	35.		11745.58
30	A. B. Kohny	5.		11740.58
Oct. 1	Mrs. Stone	806.80		
	R. P. Gillespie	24.30	4646.97	15556.45
2	Self	20.		15536.45
4	Mrs. Mary Branstetter	22.	5000.	20514.45
10	Self	20.		
1	"	10.		20484.45
11	W. J. Turner	4.		20480.45
20	Mrs. E. B. Steunenberg.....	150.		20330.45
28	Mrs. E. C. Hickok	35.45		20295.
9	Clay Branstetter	25.		20270.
Nov. 1	E. W. Johnson	2.50		20267.50
3	E. Frost	3.25		
	Self	5.		20259.25
4	Ferman Keller	10.34		20248.91
5	Mrs. E. B. Steunenberg	100.		20148.91
6	Frank Hartkopf	2.50		
	Cash	1000.		19146.41
7	C. H. Hainer	100.	1000.	20046.41
8	.....		1329.07	21375.48
10	Jno. Kinkaid	1300.		
	Telegram ... ..	.50		20074.98
12	Mrs. E. B. Steunenberg	50.		
	Joe	8.		20016.98
15	John I. Wells, Boise.....	200.		19816.98
18	Self	50.		19766.98
19	F. N. Gilbert	10.		19756.98

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FRANK STEUNENBERG.

Date 1902	To whom paid	Amount chk.	Deposits.	Balance
Nov.	Cash	1000.		19146.41
7	C. H. Haines	100.	1000.	20046.41
8	.....		1329.07	21375.48
10	Jno. Kinkaid	1300.		
	Telegram ... ..	.50		20074.98
12	Mrs. E. B. Steunenberg	50.		
	Joe	8.		20016.98
15	John S. Wells, Boise	200.		19816.98
18	Self	50.		19766.98
19	F. N. Gilbert	10.		19756.98
20	Cash	1000.	2000.	20756.98
21	Cent. Libr. Co.	251.07		20505.91
22	L. E. Hay	9.70		
	M. S. McAddo	20.		20476.21
25	Bk. of Ontario	95.		20381.21
Dec.	2 A. K. S. Cash	6000.	6000.	
	Treas.	16.		20365.21
3	J. S. Garrett	58.10		
	C. Whooper Lby. Co.	13.50		20293.61
5	Mrs. C. B. Steunenberg	50.		
	E. E. Maxey	77.		20166.61
6	Geo. Milner	16.73		20149.88
8	Mrs. E. B. Steunenberg	50.		20099.88
9	Cald. Power Co.	61.25		20038.63
10	R. Farrar	75.65		19962.98
11	Dft.	4.		19958.98
13	John Kinkaid	22.80		19936.18
15	Cash	19000.	198.48	1134.66
16	R. Farrar	2.83		
	A. K. S. Cash	900.		231.83
17	Smith & Co.	6.50		225.33
19	Mrs. E. B. Steunenberg	100.		125.33
23	Ins. taxes.....	23.25		102.08
29	Taxes	3.65		
	"	100.31		1.88
Jan.	15		48.52	46.64
23	Joe	4.	200.	242.64
26	Self	125.		117.64
27	A. K. S. Cash.....	3.	240.	354.64
28	S. J. Lockwood	80.90		
	W. E. Borah	800.		526.26
31	Int. on I. Draft72		526.98

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Date 1903	To whom paid	Amount chk.	Deposits	Balance
Feb. 5	W. E. Pierce & Co.	200.		726.98
10	"	900.		
	John Kinkaid	2155.		3781.98
12	First Nat. Bank, Boise	6000.		9781.98
13	" " " "	6000.		
	John Kinkaid	6000.	20155.	
	R. Farrar	126.75		21908.73
14	W. F. Dolan & Co.	2.90		1756.63
Feb. 16	Wheeler Motter Co.	5.60		
	C. W. Cooper Libr. Co.	17.20		1779.43
17	H. H. Compton	3.85		
	Idanha Hotel	27.50	*1900.O.	89.22
20	A. B. Campbell	200.		110.78
23	Joe	4.		
	Mrs. E. B. Steunenberg	30.		144.78
25	Self	5.		149.78
26	A. Greenland	15.		164.78
Mar. 3	Cald. Power Co.	9.40		
	Mrs. E. B. Steunenberg	40.		
	Julian S.	10.		224.18
7	Self	5.		229.18
12	"	10.		239.18
16	... ..		16.	223.18
21	A. K. S. Cashier	18.		241.18
23	" "	100.		
	Mrs. E. B. S.	40.		381.18
25	"	20.		401.18
26	G. E. Bruerco	43.		
	1st Nat., Boise	1200.		
	Self	20.	1000.	664.18
27	Dft.	4.		668.18
28	Ross Madden	7.50		675.68
30	Miss Mary A. Kingsbury	75.		750.68
Apr. 1	A. K. S. Cash	5.		755.68
3	G. E. Bowerman	61.03		
	A. K. S. Cash	7.		
	Doan & Hay Co.	21.55	10000.	9154.74
4	Caldwell Power Co.	2.65		9152.09
7	John Kinkaid			
8	Error on 3	10000.		847.91
9	Clark Stiles	4.20		
	Holgate	29.60		

vs. The Barber Lumber Company. 5263

Date 1903	To whom paid	Amount chk.	Deposits	Balance
	Self	283.		1164.71
11	"	10.		
	Thos. Elliott	2.		1176.71
17	C. K.	50.		1226.71
18	Mrs. E. B. S.	100.	50.	1276.71
20	Self	5.		1281.71
28	A. A. Earl	2.		
	Elof Anderson	50.		1333.71
29	Self	50.		1383.71
May 2	A. Greenland	8.		1391.71
5	Dft.	4.		1395.71
6	Mrs. E. B. S.	50.		1445.71
7	Jake Lafferty	4.10		1449.81
9	... ..		11.	1438.81
11	Idanha Hotel	5.		1443.81
19	Mrs. E. B. S.	20.		
	Self	15.50		1479.31
20	Jay & Co.	5.		1484.31
25	Allen Gilbert Rim Co.	25.		
	E. C. Hickok	18.		1527.31
26	Badley	312.50		1839.81
27	Mrs. E. B. S.	25.		1864.81

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Date 1903	To whom paid	Amount chk.	Deposits	Balance
June 1	J. Davis	35.20		
	Henry Cox	6.50		1906.51
2	Idanha Hotel	10.		1916.51
3	Dft. H. C. Myers	10.25		1926.76
6	S. D. Hartkoff	18.		1944.76
8	Self	10.		1954.76
10	H. M. Coffin Cash.	310.85		2265.61
12	G. E. Brueree	59.		2324.61
16	Mrs. E. B. S.	10.		2334.61
19	Cald. Power Co.	3.75		2338.36
22	A. G. Smith	1.50		
	Self	5.		2344.86
24	Joe	4.		
	Julian S.	25.		2373.86
25	Self	5.		
	Mrs. E. B. S.	20.		2398.86
July 1	"	40.		2438.86
2	J. H. Merritt	12.		
	Self	10.		2460.86
3	J. Davis	50.		2510.86
10	City State Bank, Ltd.	25.		2535.86
16	J. C. Coats	27.		2562.86
18	Self	10.		2572.86
21	A. K. S.	1.25		
	Dft.	4.	1331.27	1246.84
23	J. C. Rice	35.		1281.84
25	Mrs. E. B. S.	20.		1306.84
29	Idanha Hotel	20.		1326.84
Aug. 4	W. H. Redway	89.68		1416.52
8	J. Davis	29.87		1446.39
13	Julian Steunenberg	20.		1466.39
15	Self	30.		1496.39
18	Mrs. Ross	2.		1498.39
24	Mrs. E. B. S.	25.		1523.39
26	1st Nat. Bank, Hailey	25.		1548.39
31	Joe	4.		1552.39
Sept. 9	J. Davis	58.05		1610.44
10	E. E. Dutton	11.15		1621.59
12	Julian Steunenberg	8.		1629.59
15	Mrs. E. B. S.	20.		1649.59
19	Idanha Hotel	10.		1659.59
21	Beal & Myers	5.		1664.59

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Date 1903	To whom paid	Amount chk.	Deposits Balance
Sept. 23	Mrs. S.	20.	1684.59
24	"	100.	
	D. S. Brown	6.50	1791.09
28	Julian Steunenber	8.	1799.09
29	Joe	4.	
	Ed. F. Fowler.....	11.	1814.09
Oct. 2	Self	5.	1819.09
6	J. Davis	14.	1833.09
16	Idanha Hotel	5.	
	R. Farrar	3.25	1841.34
14	John Kinkaid		
19	Julian Steunenber	12.	
	Mrs. E. B.	10.	1863.34
	Idanha Hotel	10.	25. 1848.34
27	Mrs. E. B. Steunenber	20.	1868.34
31	Joe	4.	1872.34
Nov. 5	Jo		
7	Self	10.	1882.34
9	"	10.	1892.34
16	.....		65.
"	"		18.75 1808.59
17	H. L. Fisher	50.	
	Cash	40.	1898.59
18	Mrs. E. B. S.	20.	1918.59
23	A. K. S.	3.	1921.59
30	N. Y. Life Ins. Co.		1979.59
"	Error on 17		40. 1939.59
Dec. 1	Mrs. E. B. S.	25.	1964.59
8	"	10.	
	Rader Bros. Co.	1.50	1976.09
9	Idanha Hotel	5.	1981.09
10	W. S. Galbraith	6.	1987.09
14	Self	5.	
	A. K. Steunenber	40.	2032.09
22	Idanha Hotel	2.	
	Mrs. E. B. Steunenber	25.	2059.09
23	Josie Steunenber	4.	2063.09
23	Aug. Thommor	3.	2066.09
26	By R. Thorp		
	M. Alexander	2.	2052.87
28	Idanha	5.	2057.87
1904 Jan. 2	Wm. Sweet	500.	2557.87
	Error 12/10		6. 2551.87

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Date 1904	To whom paid	Amount chk.	Deposits	Balance
Jan. 4	Idanha	5.		
	R. H. Stunenberg, Tres.	20.20	1800.	777.07
5	Rocky Mt. 'Phone Co.	22.75		
	Rader Bros.	5.		804.82
	H. D. Blatchley	17.85		822.67
9	G. T. Hamill	90.55		913.22
13	Fred Schwendiman	13.		926.22
16	For Taxes	7.13		933.35
18	" "	12.60		
	1st Natl. Bk. of Idaho	193.65	.60	1139.
19	Hand ....	.60		1139.60
26	Geo. T. Redway	500.	500.	1139.60
28	S. L. Lockwood & Sons	80.90		1220.50
30	Cash	75.		1295.50
2	Capital State Bank	4.25		1299.75
	Lida Walk	42.		1341.75
	Cash	25.		1366.75
	Mrs. E. B. Steunenberg	60.		1426.75
	Julian Steunenberg	10.		1436.75
	" "	25.		1461.75
	A. K. Steunenberg.....	300.		
	Geo. F. Redway	2700.	3500.	961.75

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Date 1904	To whom paid	Amount chk.	Deposits	Balance
Feb. 29			961.75
Mch. 2	Julian Steunenberg	20.		
	Fred T. Dubois	100.		1081.75
5	M. P. Kinkaid	200.		1281.75
7	Julian Steunenberg	20.		1301.75
19	Joe	8.		1309.75
22	Water Rent	8.50		1318.25
25	.....		2.50	1068.25
Apr. 15	Charges on seal .....	.25		1068.50
May 12	Edgar Mack	32.08		
	Joe	8.		1108.58
20	.....		243.48	865.10
June 14	John Kinkaid	400.		1265.10
15	John Kinkaid	250.		1515.10
25	J. C. Rice	92.50		
	L. M. Pritchard	162.50		1770.10
29	Fred Schwendiman	115.98		1886.08
July 9	Joe	8.		1894.08
26	Joe	4.		1898.08
28	.....		500.	1398.08
30	Int. on over draft	15.		1413.08
Aug. 10	Sight Dft. Burt Resser	15.65	1700.	271.27
22	.....		350.	621.27
30	G. E. Bowerman	250.		371.27
Sept. 5	Mrs. E. B. Steunenberg	20.		351.27
8	J. A. Purtill	1.		
	Arthur Dufresne	5.		345.27
27	First Natl. Bnk. St. Anthony....	25.		320.27
30	First Natl. Bnk. St. Anthony ...	341.50		21.23
Oct. 5	.....		7.75	13.48
12	First Natl. Bnk. St. Anthony	3.		16.48
13	Joe	8.		24.48
14	Self	10.		34.48
31	Int. on overdraft	7.85		42.33
1905 31	Cr. Error above		7.85	34.48
Jan. 14	.....		513.85	479.37
3	Int. on overdraft .....	.15		479.22
Mch. 10		700.	1179.22
21		250.	1429.22
25	Road Tax, 1905	3.		1426.22
Apr. 21		2311.15	3737.37
	Bird	5.		3732.37

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Date 1905	To whom paid	Amount chk.	Deposits	Balance
June 12	Jno. A. Tucker	4.60		3727.77
19	.....		1031.50	4759.27
July 26	Baker Bros.	50.		4709.27
28	Self	30.		4679.27
Aug. 3	Allen Gilbert Co.	25.		4654.27
10	Mrs. E. B. Steunenberg.....	20.		4634.27
11	Dan. J. Moore	18.		
	Allen & Gilbert Ramsker Co.	25.		4591.27
12	.....		500.	5091.27
28	Self	10.		5081.27
29	Oaker Bros.	28.16		
	Mrs. E. B. Steunenberg	10.		5043.11
30	Mrs. B. F. Garvin	15.		5028.11
Sept. 1	P. P. Baxter	10.		
1	Jacob Plowhead	4.50		5013.61
2	E. E. Dutton	3.10		5810.51
4	J. F. Garvin	3.50		
	Julian Steunenberg	100.		
	Mrs. E. B. Steunenberg	20.		4887.01
5	S. D. Hartkoff	7.		4880.01
6	Self	10.		4870.01
12	Mrs. Treanor	1.		4869.01
16	Marter Bros. Co.	12.88		4856.13
Oct. 4	F. N. Gilbert	40.		4816.13
31	Baker & Ford	50.		
	Jno. C. Rice	23.72		4742.41
Nov. 1	Cooper Lmbr. Co.	28.20		4714.21
2	Self	15.		4699.21
4	S. D. Garver	12.		4687.21
8	Julian Steunenberg	30.		4657.21
9	Hotel Saratoga	5.		4652.21
14	Mrs. E. B. Steunenberg	20.		
	Saratoga	20.		4612.21
21	Self	50.		4562.21
22	Julian Steunenberg	40.		4522.21
28	E. B. Steunenberg	25.		4497.21
Dec. 4	Allen Gilbert Co., S. D.....	50.		4447.21
6	Allen Gilbert Co., S. D.	30.		4417.21
14	Self	10.		4407.21
15	Walla Walla Food Co.	10.		
	Julian Steunenberg	25.		4372.21
18	Cash Bk. & Fr. Co.	2.20		4370.01

vs. The Barber Lumber Company. 5269

Date 1905	To whom paid	Amount chk.	Deposits	Balance
Dec. 20	Mrs. E. B. Steunenberg	20.		4350.01
23	Cashr. Bank Nat. Bk. Pocatello ..	15.		4335.01
26	Mrs. E. B. Steunenberg	10.		4325.01
1906 29	A. K. Steunenberg, Tr.	31.44		4293.57
Jan. 3	New York Life, Geo. W. Smith, Cashr.	60.25		4233.32
6	A. F. Isham	1.		4232.32
Feb. 8	F. St. Agent	833.31		3399.01
26	T. A. K. S.	3399.01		0.

FRANK STEUNENBERG, Agent.

Date 1903	To whom paid	Amount chk.	Deposits	Balance
Feb. 11	.....		20000.	20000.
12	John Kinkaid	1600.		
	" "	2400.		16000.
14	1st Natl. Bnk., Boise	4000.		
	Cks.	20155.	25000.	16845.
17	"	1900.		
	1st Natl. Bnk., Boise	4000.	100.	11045.
18	" "	4000.		7045.
20	Mrs. Cora Rubin	2.		
	1st Natl. Bnk., Boise	4000.		3043.
21	" "	2400.		643.
Mar. 16	" "	4000.	20000.	16643.
17	Idanha Hotel	25.25		16617.75
20	1st Natl. Bank., Boise	2400.		14217.75
25	" "	3200.		11017.75
26	" "	3600.		7417.75
Apr. 7	John Kinkaid	4000.		3417.75
8	W. E. Borah	600.	10000.	12817.75
9	Idanha Hotel	20.75		12797.
10	C. C. Stevenson	86.50		12710.50
15	Com'l Bnk.	153.82		12556.68
16	A. K. S. Cashier.....	100.		12456.68
24	J. M. Kinkaid	1240.		11216.68
25	Idanha Hotel	17.50		11199.18
29	W. E. Pierce & Co.	125.		11074.18
30	John S. Wells	1600.		9474.18
May 6	Calvin Cobb	7500.	7500.	9474.18
16	W. E. Borah	51.70		
	1st Natl. Bnk., Boise	2000.		
	John Kinkaid	400.		7022.48
June 1	W. E. Pierce & Co.	125.		6897.48
2	Miss Florence Fraser	4.		6893.48
8	John Kinkaid	500.		6393.48
9	Idanha Hotel	55.25		6338.23
10	1st Nat. Bank, Boise	760.		5578.23
13	Idanha Hotel	12.50		5565.73
22	John Kinkaid	800.		4765.73
24	" "	800.		
	" "	250.		3715.73
July 1	Miss Cora Rubin	3.		3712.73
2	John Kinkaid	400.		3312.73
9	" "	200.		3112.73

vs. The Barber Lumber Company. 5271

Account No. 5.

FRANK STEUNENBERG, Agent.

Date 1903	To whom paid	Amount chk.	Deposits	Balance
July 20	John Kinkaid	1600.		1512.73
21	Miss Bush	1.60		
	Self	1131.27		379.86
Aug. 3	"	334.		
	C. B. S.	27.		18.86
5	.....		8000.	8018.86
6	Idaha	54.55		7964.31
7	Jas. Stephenson	2.		7962.31
12	John Kinkaid	500.		7462.31
14	J "	38.		
	" "	21.		7403.31
18	" "	1000.		
	" "	3200.		3203.31
Sept. 1	" "	800.		
1	Idanha Hotel	30.		2373.31
10	John Kinkaid	1600.		773.31
17	" "	1600.		826.69
18	.....		1500.	673.31
21	" "	1000.		326.69
23	" "		1000.	673.31
26	Geo. T. Young	167.		506.31
Oct. 2	John Kinkaid	250.		256.31
3	Bogart & Mickay	8.		248.31
9	.....		10000.	10248.31
13	Idanha	25.		
	Pat Downs	36.		
	Wm. Gulliford	12.50		10174.81
14	John Kinkaid	4800.		5374.81
29	Idanha Hotel	88.10		1
	" "	30.		5213.71
Nov. 3	John Kinkaid	500.		4713.71
5	" "	50.		
	" "	1600.		3063.71
7	" "	2000.		1063.71
9	" "	400.		663.71
16	J. H. Myers, Agent	7.		656.71
25	John Kinkaid	300.		356.71
27	" "	2000.		1643.29
30	Error on 17	40.		1683.29
Dec. 1	W. E. Borah	600.		2283.29
7	John Kinkaid	800.		3083.29
14	John Kinkaid	100.		3183.29

Account No. 5.

FRANK STEUNENBERG, Agent.

Date	To whom paid	Amount chk.	Deposits	Balance
Dec. 17	John Kinkaid	1600.	5000.	216.71
18	John Kinkaid	200.		16.71
21	" "	500.		483.29
23	" "		4500.	4016.71
24	" "	4800.		783.29
29	" "		5000.	4216.71
30	" "	3200.		1016.71
1904 Jan. 2	" "	380.		
	Statesman ...	7.		
	Cap'l State Bank	4.25		
	Idanha	20.		605.46
	W. S. Galbraith	6.		599.46
4	John Kinkaid	3080.		
	Idanha	120.	5000.	2399.46
5	Chas. Kalesch	25.		2374.46
7	G. D. Hawley	250.		2124.46
30	Error on 2		4.25	2128.71

vs. The Barber Lumber Company. 5273

Account No. 23.

FRANK STEUNENBERG, Agent.

Date 1904	To whom paid	Amount chk.	Deposits	Balance
Feb. 29				2218.71
Mch. 11	John Kinkaid	800.		1328.71
16	John Kinkaid	150.		1178.71
30	Pat Downs	200.		
	W. R. Lake	100.		878.71
Apr. 2	L. M. Pritchard	4.50		
	Evening Cap. News	5.		869.21
4	Idanha Hotel	211.25		657.96
7	Miss Rubin	10.		647.96
13	John Kinkaid	1100.		452.04
18	John Kinkaid	700.	2000.	847.96
20	W. R. Lake	100.		747.96
22	A. T. Ingalls	15.50		732.46
May 7	W. R. Lake	100.		632.46
11	Mrs. Yeager	2.		630.46
19	M. H. Kempner	25.		605.46
June 7	Idanha	10.		
	Idanha	102.		493.46
July 7	Frank Martin	100.		393.46
Aug. 1	Mrs. E. B. Steunenberg	20.		373.46
3	John Kinkaid	150.		223.46
10	W. B. Lake	30.		193.46
17	John Kinkaid	50.		143.46
18	John Kinkaid	750.		606.54
22	P. P. Baxter	10.		616.54
24	Mrs. E. B. Steunenberg	20.		636.54
Sept. 2	John S. Wells	150.		786.54
28	Julian Steunenberg	15.		801.54
30	Int. on D. Draft	7.85		809.39
Oct. 1	Loree & Sons	8.		817.39
10	L. M. Pritchard	100.		917.39
18	Rhoda E. Yeager	3.40		920.79
20	Chris Fahy	23.50		944.29
22	A. B. Kahny	10.		
	Geo. Redway for Wm. Sweet....	200.		
	Mrs. E. B. Steunenberg	100.		1254.29
25	L. M. Pritchard	25.		1279.29
31	Int. on O. Draft (Oct.)	7.85		1287.14
Nov. 2	Miss Cora Rubin	7.30		1294.44
3	Cent. Libr. Co.	6.44		1300.88
7	Mrs. Wilson	2.50		1303.38
10	Mrs. E. B. Steunenberg	20.		1323.38

Account No. 23.

FRANK STEUNENBERG, Agent.

Date 1904	To whom paid	Amount chk.	Deposits	Balance
Nov. 15	Self	5.		
	Mrs. E. B. Steunenberg	50.		1378.38
16	Self	40.		1418.38
25	Ed. Smith	14.40		1432.78
28	Mrs. E. B. Steunenberg	9.		1441.78
	Int. on Drft.	13.69		1455.47
Dec. 5	S. R. Rightenour	20.		
	L. M. Pritchard	25.		1500.47
7	Harry T. Wyman	100.		1600.47
16	Self ...	25.		1600.47
17	Mrs. E. B. Steunenberg	3.		1625.47
19	Baker Bros. ...	2.90		1631.37
21	Mrs. E. B. Steunenberg	20.		
	Elijah Frost, Jr.	11.05		1662.42
Dec. 24	N. Y. Life Ins. Co.	15.05		1677.47
27	L. M. Pritchard	30.		
	Mrs. E. B. Steunenberg	3.		
	A. K. Steunenberg, Treas.	39.30		1749.77
29	Self	5.		1754.77
31	Int. on overdraft	16.16		1770.93
1905.				
Jan. 4	G. T. Young	2.		
	Self	5.		1777.93
5	G. T. Hamill, Assessor	93.20		1871.13
	.....			1876.13
	Caldwell Power Co.	11.85		1897.98
18	Mrs. Torrance	1.75		
	Self	250.		2149.73
19	S. D. Hartkopf ...	15.		
	Mrs. C. B. Steunenberg	20.		2184.73
31	Int. on overdraft	20.07		2204.80
Feb. 4	C. C. Smith	2.25		2207.05
7	S. T. Lockwood & Son, Agts.	80.90		2287.95
8	Mrs. E. B. Steunenberg	10.		2297.95
9	Antone Hinkey	5.		2302.95
13	Mrs. E. B. Steunenberg	10.		2317.95
16	Self	20.		2337.95
23	Self ...	5.		2342.95
27	Julian Steunenberg	19.50		2362.45
28	Int. on overdraft	21.46		2383.91
	Mrs. E. B. Steunenberg	15.		2398.91
Mch. 2	Ben Harris	2.		2400.91

vs. The Barber Lumber Company. 5275

Account No. 23.

FRANK STEUNENBERG, Agent.

Date 1905		Amount chk.	Deposits	Balance
Mch.	2 Ben Harris	2.		2400.91
	6 Self	5.		
	Caldwell Power Co.	4.70		2410.61
	13 Mrs. E. B. Steunenberg	10.		2420.61
	14 Dr. Brigham	15.		2435.61
	16 John Kinkaid	100.		2535.61
	18 John Decker	5.		2540.61
	20 Mrs. E. B. Steunenberg	40.		2580.61
	22 Julian Steunenberg	25.		2605.61
	31 Int. on overdraft	24.97		2630.58
Apr.	8 L. M. Pritchard	25.		2655.58
	11 Mrs. E. B. Steunenberg	10.		2665.58
	13 Oakes Bros.	8.65		2674.23
	14 J. L. Bedford & Co.	1.		2675.23
	18 A. Greenland	15.		2690.23
	24 Mrs. E. B. Steunenberg	30.		2720.23
	25 Mrs. Torrence	1.50		2721.73
	27 Self	25.		2746.73
May	18 Mrs. E. B. Steunenberg	5.		
	" " "	3.		
	Self	3.		2757.73
June	1 Lippincott Warner	2.50		2760.23
June	20 Mrs. E. B. Steunenberg	10.		2770.23
	23 Mrs. E. B. Steunenberg	25.		2795.23
July	18 Mrs. F. J. Garvin	24.		2819.23
	19 Self	10.		
	Laura Patton	13.40		2842.63
	24 H. G. Hammond	1.		2843.63

**Plaintiff's Exhibits Nos. 143D to 143O, Inclusive,
Being Estimates.**

(Send up originals.)

Plaintiff's Exhibit No. 143D.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143E.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143F.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143G.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143H.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143I.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143J.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143K.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143L.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143M.

**LETTER FROM DENNIS THORNTON TO A. E.
PALMER WITH CRUISER'S ESTIMATE
ATTACHED.**

“Centerville, Idaho, August 14th.

Mr. A. E. Palmer,
Spokane, Wash.

Dear Sir: Enclosed find Estimates of lands in

Town 6 N., Range 5 East, and Town 7 N., R. 5 East.

Yellow Pine No. 1, 16,155 M.

Yellow Pine No. 2, 2,275 M.

Total of yellow pine, 18,430 M.

average to acre, 9,403
ft.

Bull Pine, 1,030 M

Fir, 295

Total of all, 19,755 M

Mr. Palmer, it is getting hard to find timber that has not got mineral locations that will go 8 M per acre. This timber is all on good logging ground. There is parts of fortys scattered around that has from 25M to 100M to the forty, that is near Grimes Creek.

Yours very truly,

DENNIS THORNTON."

(Send up originals.)

Plaintiff's Exhibit No. 143N.

Cruiser's Estimate.

Plaintiff's Exhibit No. 143 O—Chapman.

Cruiser's Estimate.

Plaintiff's Exhibits Nos. 143AA to 143 OO.

Plaintiff's Exhibit No. 143AA.

REMITTANCE SHEETS EXCHANGE BANK,
SPOKANE.

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

6-20-02

Please list each check separately.

	Dollars.	Cents.
Gold C .....	....	....
Silver .....	....	....
Currency .....	....	....
Checks	5005	....
	5	....
X.	-----	-----
R. 18.	5000	....

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK, Spokane, Wash., June 20, 190—.
SPOKANE, WASH. To Am. B.

Chicago.

Date.	No.	Drawer.	On Whom.	Endorser.	Amount
....	92,459	West Passenger Assn.....	.....	J. Woll Co.....	27.68
6/18	.....	A. E. Palmer	James T. Barber	Us	5005.
....	.....	.....	& S. G. Moon	Eau Claire, Wis.	
5/29	.....	Jane M. Johns	B. J. Decatur	Harry J. Martin ..	1125.
....	217	Luther F. Martin	F. Atyens B. Decatus...	"	25.
....	3,897	Traders Protective Assn. Am. 4th St., St. Louis..	Eugene Barnett ...		67.85
Total,					6250.53

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

June 30/02.

Please list each check separately.

	Dollars.	Cents.
Gold ... ..	.....	....
Silver ... ..	.....	....
Currency ....	.....	....
Checks ... ..	.....	....
Drf. on J. T. B. & S. G. M.,	5005	00
	F. 5	00
	<hr/>	<hr/>
	5000	00

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK, Spokane, Wash., 6/30, 1902.
SPOKANE, WASH. To Am. B.
Chicago.

Date.	No.	Drawer.	On Whom.	Endorser	Amount.
....	140,324	Chamberlain Med. Co. ....	.....	Chronicle ...	43.75
....	1,592	Des Moines Ins. Co.	Peoples Sav. St.	Palouse	1.80
....	.....	.....	Des Moines,.....	.....	.....
....	30,965	Cincinnati, O.	Mrs. B.	Sfot D. Co.	100.
....	.....	Mimll Chemical Co.	Cincinnati .....	.....	.....
....	88,229	Gu agt Topeka	Asst. L. St. Louis	tifnlb #1	24.
....	12,062	A. Cox Co.	B. J. C. "	C. Aths. Cast	600.
....	430	Wickliffe Ky.	" "	US	24.90
....	1,405	Sua Dus Co.	Dft.	Northport	215.
6/30	.....	A. E. Palmer	Barber & Moon	A. E. Palmer	5005.
.....	.....	.....	Eau Claire, Wis. ....	.....	.....

Total, ... 6014.45

The United States of America

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

7/23/02.

Please list each check separately.

	Dollars.	Cents.
Gold . . . . .	.....	....
Silver . . . . .	.....	....
Currency . . . . .	.....	....
Checks . . . . .	.....	....
Drf. on B. & M.,	10,010	00
F.	10	....
	<hr/>	<hr/>
	\$10,000	00

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK, Spokane, Wash., June 23, 1902.
SPOKANE, WASH. To Am. B.

Chicago.

Date.	No.	Drawer.	On Whom.	Endorser	Amount.
....	3,203	Ohio & Eel. Rl. Od. Co.	Luman B.	F. E. Lucas	2.02
....	.....	.....	Marietta, O. ....	.....	.....
....	2,777	.....	Ohio Valley F.	F. H. Atkinson	715.32
....	.....	.....	Anemette, O. ....	.....	.....
....
....	1,303	A. E. Palmer	Barber & Moon	A. E. Palmer	10010.
....	.....	.....	Eau Claire, Wis. ....	.....	.....
....	1,303	Fraternal Army of Am.	H. B. Taylor	T. W. Altho.	6.
....	.....	.....	.....	Murphy	.....
					<hr/>
Total, ...					10,733.34

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

Apl. 14/02.

Please list each check separately.

	Dollars.	Cents.
Gold ... ..	.....	....
Silver ... ..	.....	....
Currency ... ..	.....	....
Checks	1201	20
X	1	20
	<hr/>	<hr/>
	1200	00

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

4/14/02.

Please list each check separately.

	Dollars.	Cents.
Gold ... ..	.....	....
Silver ... ..	.....	....
Currency ... ..	.....	....
Checks	38763	75
Ex.	38	75
	<hr/>	<hr/>
	38725	00

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK,
SPOKANE, WASH.

Spokane, Wash., Apl. 14, 1902.
To M^w. Bank of Eau Claire,
Eau Claire, Wis.

Date.	No.	Drawer.	On Whom.	Endorser	Amount.
4/14	A. E. Palmer	J. T. Barber & S. G. Moon	A. E. Palmer	1301.20
14	"	"	"	38763.75

Total,.....39964.95

Remit to Commercial Natl. Bank, Chicago, Ill., for our credit and adnce.

The United States of America

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

6/24/02.

Please list each check separately.

	Dollars.	Cents.
Gold .....	.....	....
Silver .....	.....	....
Currency .....	.....	....
Checks .....	.....	....
Drf. on J. T. B. & S. G. M.,	5005	00
F.	5	....
	<hr/> 5000	<hr/> 00

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK,
SPOKANE, WASH.

Spokane, Wash., Jne. 24, 1902.

To Am. B.

Chicago.

Date.	No.	Drawer.	On Whom.	Endorser	Amount.
....	15,728	M. & F. Peanut Co.	Norfolk, W. Va.	R. & M. Co.	6...
....	3,724	Wentworth S. D.	O. M. Indianapolis	W. H. Plummer	10...
....	49,996	E. G. Arnold & Co.	A. M. Central & Co., St. C. A. Robbins		6.30
			Louis		
....	31,746	Winside, Neb.	La. State & Sioux City	Grangeville	1900...
6/19	.....	Robt. L. Pythian	A. M. D., Indianapolis	W. H. Plummer	150...
25	.....	A. E. Palmer	James T. Barber	Us	5005...
			S. G. Moon		

Total, ... 7077.30

Chgd. Grangeville 7/13, X 1.90.

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

6/27/02.

Please list each check separately.

	Dollars.	Cents.
Gold . . . . .	.....	....
Silver . . . . .	.....	....
Currency . . . . .	.....	....
Checks . . . . .	.....	....
Drf. on J. T. B. & S. G. M.,	5005	00
F.	5	00
	<hr/>	<hr/>
	\$5000	00

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK, Spokane, Wash., June 27, 1902.
SPOKANE, WASH. To Am. B.

Chicago.

Date.	No.	Drawer.	On Whom.	Endorser	Amount.
....	307	C. A. Thompson	P. & F., Ironton	O. Warduis	15...
6/27	.....	A. E. Palmer	J. T. Barber & S. G. Moon	A. E. Palmer	5005...
....	.....	.....	Eau Claire	.....	.....
118148	Independence, Ia.	.....	.....	J. M. Moore, Tres.	200...
					<hr/>
					Total, .....5220...

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

Aug. 4/02.

Please list each check separately.

	Dollars.	Cents.
Gold ... ..	.....	....
Silver ... ..	.....	....
Currency ... ..	.....	....
Checks	1,775	00
Drf.	161	75
"	10,010	00
	<hr/>	<hr/>
	11,946	75
F	10	25
	<hr/>	<hr/>
	11,936	50

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK,
SPOKANE, WASH.

Spokane, Wash., Aug. 4, 1902.
To Am. B.

Date.	No.	Drawer.	On Whom.	Chicago.	Endorser	Amount.
....	19,724	Auxora, Ill.			Wardner	41.11
8/4	.....	A. E. Palmer	Barber & Moon,			
			Eau Claire.....	A. E. Palmer	....	10010...
4	.....	" .....	" .....	" .....	" .....	161.75
....	2,070	Des Moines County Shoe Co., Egl. S. Louis.....		B. & Wise Co.		25.20
....	2,551	Lyman T. Powell	St. B., West Superior ..	Chavit M. Co.		612.32
4/17	.....	Northern Lin. Co.	Am. 4 B	" ..	" ..	11.42
....	4,143	Yeoman & Yeoman.....	Hankeson Natl. B., Ky.	J. Z. Moore		186.19
				X 65		
				Total,		11,047.99

DEPOSITED IN
EXCHANGE NATIONAL BANK,
Spokane, Wash.

By A. E. Palmer,

7/7/02.

Please list each check separately.

	Dollars.	Cents.
Gold ... ..	.....	....
Silver ... ..	.....	....
Currency ....	.....	....
Checks ... ..	.....	....
Dft. on B. & M.	5005	00
F.	5	00
	<hr/>	<hr/>
	\$5000	00

REMITTANCE SHEET.

EXCHANGE NATIONAL BANK, Spokane, Wash., July 7, 1902.
SPOKANE, WASH. To Am. B.

Chicago.

Date.	No.	Drawer.	On Whom.	Endorser	Amount.
7/17	A. E. Palmer	James T. Barber	A. E. Palmer	5005...
....	S. G. Moon.....	....	....
....	Eau Claire, Wis.....	....	....
Total.....					<hr/>

Plaintiff's Exhibit No. 143CC.

Checks and Stubs, Frank Steunenberg, Check Book.

Plaintiff's Exhibit No. 143DD.

Checks, Frank Steunenberg.

Plaintiff's Exhibit No. 143EE.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143FF.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143GG.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143HH.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143 II

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143JJ.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143KK.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143LL.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143MM.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143NN.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 143 OO.

Checks and Stubs, Frank Steunenberg.

Plaintiff's Exhibit No. 144A.

LETTER OF C. R. PONCIA TO FRED T. DU-
BOIS, U. S. SENATOR, DATED AT
PIONEERVILLE, IDAHO, JAN. 24th, 1902.
(Copied in full as Exhibit No. 68G.)

Plaintiff's Exhibits Nos. 145E to 145H.

Plaintiff's Exhibit No. 145E.

APPLICATION FOR WRIT OF HABEAS COR-
PUS.

*“In the Circuit Court of the United States for the
District of Idaho.*

In the Matter of the Application of L. G. CHAP-
MAN, for a Writ of Habeas Corpus.
To the Honorable WILLIAM GILBERT, Judge of
said Court:

The petition of L. G. Chapman respectively shows
that he is unlawfully imprisoned, detained, confined
and restrained of his liberty by Ruel Rounds,
United States Marshall for the District of Idaho,
and is confined in the County Jail of Ada County,
Idaho, by said marshal.

That the imprisonment, detainment, confinement
and restraint are illegal, and that the illegality
thereof consists in this, to wit:

That said L. G. Chapman was on the 5th day of
April, 1907, duly served with a subpoena duces
tecum issued out of the United States District Court
for the District of Idaho, commanding him, the
said L. G. Chapman, to appear forthwith before a

grand jury then and there duly empaneled in said court, to testify and produce before said grand jury certain records, documents and correspondence of the Barber Lumber Company then and there in the possession and under the control of the said L. G. Chapman, a true and correct copy of which said subpoena is hereto attached and made a part of this petition, and marked Exhibit 'A.'

That in obedience to said subpoena, said L. G. Chapman appeared before said grand jury, and then and there refused to comply with the order of said subpoena, in so far as the same required him to produce before said grand jury all the books, records and correspondence called for in said subpoena. That thereupon the refusal of the witness so to do was reported by the grand jury to the Honorable James H. Beatty, the Judge of said court, and said court then and there issued an order for the said L. G. Chapman to appear before said court at 1:30 o'clock P. M. on the 6th day of April, 1907, and then and there produce said books, papers, documents, etc., as required by said subpoena, or show cause why he should not be adjudged for contempt of court, as the same more fully appears by a certified copy of said order marked exhibit 'B,' hereto attached and made a part of this petition.

That thereafter an order was duly made and entered by the Judge of said court and served upon this petitioner, requiring him to appear before said grand jury, and submit to said grand jury, for their examination, all books, accounts, papers and all documents of every kind, whether pertaining to the

acquirement of said timber lands or to any business of said Barber Lumber Company in Idaho, a certified copy of which said order is hereto attached, marked Exhibit 'C' and made a part of this petition.

That in accordance with the command, and in compliance with said order, your petitioner appeared before said grand jury with certain of the records, correspondence and documents as called for, and the United States District Attorney and said grand jury insisting upon the petitioner permitting said district attorney and said grand jury to inspect and examine private records and correspondence that was in no way material and could not be material to any inquiry or investigation pending before said grand jury, and your petitioner refusing to permit of said inspection and examination; the matter was thereupon by said grand jury referred to said District Court, and the Court, after hearing the report of the grand jury, thereon, made and entered an order herein in regard to said matter, a certified copy of which said order is hereto attached, marked Exhibit 'D' and made a part of this petition.

That after the issuance of said order last above referred to, your petitioner again appeared before said grand jury and declined to comply with the said last mentioned order of the court and command of the subpoena herein referred to as being served upon said petitioner, and stated orally and in writing to said grand jury his reasons for so doing. Said reasons, among others being: That he was general manager of the Barber Lumber Company and a stock-

holder in said corporation, and as such general manager he had knowledge of its dealings in relation to procuring of Government timber lands in the State of Idaho. Also for the reason that the subpoena and order of the court contravened the fourth amendment of the Constitution of the United States. That the subpoena and order of the court in relation thereto, gave the petitioner no information as to the person or matters under investigation by said grand jury. That the records, documents and papers called for in said subpoena, and orders of the court, contain, to a large extent, all the private transactions and private correspondence of the Barber Lumber Company, and could, in no manner, be of any value or aid to the grand jury in their deliberations. That the production and inspection to the grand jury, for their consideration, of the records, correspondence and documents called for in said subpoena, and in the orders of the court in relation thereto, might tend to incriminate your petitioner, and the production thereof would be contrary to the fifth amendment to the constitution of the United States. All of which said objections will more fully appear by a certified copy of the report of said grand jury to said district court, hereto attached, marked exhibit 'E' and made a part of this petition.

That upon the filing of said report of said Grand Jury last above mentioned, your petitioner appeared before said court and filed therein the same objections to the production of said documents and correspondence as hereinbefore referred to as having been made before the Grand Jury, but notwithstand-

ing such objections, said district court did, then and there make and enter an order, adjudging said petitioner to be guilty of contempt of the orders of said court aforesaid in refusing to comply with said orders and produce said documents and papers, and remanded this petitioner to the custody of the United States Marshall for the District of Idaho, to be by said marshall confined in the County Jail of Ada County until he comply with the aforesaid order. A copy of which said order is hereto attached, and marked exhibit 'F' and made a part of this petition.

Wherefore, your petitioner prays that a writ of habeas corpus may be granted, directed to the said Ruel Rounds, United States Marshall for the district of Idaho, commanding him to have the body of L. G. Chapman before your Honor at a time and place therein to be specified to do, and receive what shall then and there be considered by your Honor concerning him, together with the time and cause of his detention and said writ, and that he may be restored to his liberty.

L. G. CHAPMAN,
Petitioner."

"State of Idaho,
County of Ada,—ss.

L. G. Chapman, being duly sworn, deposes and says, that he is the petitioner named in the foregoing petition subscribed by him; that he he has read the same, and knows the contents thereof, and the said statements made are true, as he verily believes.

L. G. CHAPMAN.

Subscribed and sworn to by the said L. G. Chapman before me, and by me subscribed, on this 10th day of April, 1907.

[Seal]

CLINTON C. SIGGINS,
Notary Public."

(My Commission expires March 10, 1910.)

(COPY)

EXHIBIT "A."

SUBPOENA TICKET—DUCES TECUM.

District of Idaho.

To L. G. Chapman and L. G. Chapman, Manager.

By virtue of a subpoena issued out of the United States District Court, you are required to be and appear before the said Court at Boise, forthwith, 1907, then and there to testify on behalf of the United States before the Grand Jury and not to depart without leave.

L. G. Chapman, and L. G. Chapman, Manager.

And have you then and there all books of account of every name, nature and description of the Barber Lumber Company in Idaho.

And all stock books or other records showing the owners, past and present, of the stock of the said Barber Lumber Company and all transfers of the stock thereof.

And all books, records, papers and correspondence relating to the acquiring and perfecting of title to timber and other lands in the State of Idaho.

And all records, accounts and correspondence with every officer, employee, representative, agent or attorney engaged in or employed for the purpose of

acquiring title or perfecting title to timber or other lands in the State of Idaho for the said Barber Lumber Company; and all accounts with and the payment or payments made to any and all of said officers, employees, representatives, agents or attorneys.

And any and all books, records and papers showing the payments made on account of the purchase of any and all timber or other lands in the State of Idaho, and to whom such payment or payments were made, and the manner of such payment.

And any and all contracts and agreements made with any person, association, agent, officer, representative, employee or attorney in reference to the acquiring of timber and other lands in the State of Idaho.

And any and all cash books, ledger accounts, bank books, notes, canceled checks, and the stubs of any and all check-books, showing any and all payments to any person, firm or corporation on account of acquiring and perfecting title to timber and other lands in the State of Idaho by said Barber Lumber Company.

And all correspondence had by you, as manager or otherwise, with any officer, attorney, employee or representative or agent, of said company, in reference to the acquiring and perfecting of title to any timber or other lands in the State of Idaho.

Also the articles of incorporation of said Barber Lumber Company, and the minutes and records of the meetings of the stockholders and directors of said Barber Lumber Company.

And all maps, plats, and tract or abstract books,

showing the lands and timber on lands, owned by, claimed by, or held in trust for said Barber Lumber Company.

The above to include the original, duplicates and all copies, letter-press, carbon or otherwise, of any and all of the aforesaid books, records, documents, correspondence and papers, from the organization of the said Barber Lumber Company down to and including the year 1906, now in your possession or under your control, or in the possession or under the control of any agent, employee, representative, attorney or officer of said Barber Lumber Company in the State of Idaho.

If you fail to obey such subpoena, you may be fined and imprisoned, as the Court may direct.

(Signed) R. ROUNDS,

U. S. Marshal.

By W. R. Bryon, Dep."

EXHIBIT "B."

*"In the District Court of the United States for the
District of Idaho, Central Division.*

In re Contempt of L. G. CHAPMAN.

It appearing by the report of the Grand Jury of this court this day made and signed by its foreman that one L. G. Chapman duly and regularly served with a subpoena issued out of this court requiring him personally or as manager of the Barber Lumber Company, to produce before said Grand Jury, certain books, records, documents, papers and correspondence of the Barber Lumber Company, and it further appearing that the said L. G. Chapman ap-

peared before said Grand Jury on this the 6th day of April, 1907, and under oath, thereupon admitted that he had in his possession, custody and under his control certain of the books, records, papers, documents and correspondence as called for in said subpoena, but then and there declined and refused to produce the same in obedience to said subpoena.

NOW, THEREFORE, it is ordered that the said L. G. Chapman be and appear before this court at 1:30 o'clock P. M., on this the 6th day of April, 1907, and then and there produce said books, records, papers, documents and correspondence, as required by said subpoena, or then and there show cause why he should not be adjudged in contempt of this court.

JAS. H. BEATTY,
District Judge.

Dated April 6, 1907."

"I hereby certify that I received the within Order to Show Cause at Boise, Idaho, on April 6th, 1907, and that I served the same upon L. G. Chapman, the person named therein, at Boise, Idaho, on April 6th, 1907, by handing to and leaving with him personally a copy of the within Order to Show Cause.

R. ROUNDS,
U. S. Marshal.
By W. R. Bryon,
Deputy.

Boise, Idaho, April 6th, 1907.
Filed April 6, 1907."

EXHIBIT "C."

*"In the District Court of the United States for the
District of Idaho, Central Division.*

In re Contempt of L. G. CHAPMAN.

Now, at this time the said L. G. Chapman appearing in court in person and by his counsel, and the court being fully advised in the premises:

IT IS HEREBY ORDERED, That the said L. G. Chapman shall produce before the said Grand Jury all books, records, documents, papers and correspondence relating directly or indirectly to the acquiring and perfecting of title to timber lands in the State of Idaho by the Barber Lumber Co. and all records, accounts and correspondence with every officer, employee, representative, agent or attorney, engaged in or employed for the purpose of acquiring title or perfecting title to timber lands in the State of Idaho for the said Barber Lumber Company, and all accounts with and the payment or payments made to any and all of said officers, employees, representatives, agents or attorneys, and any and all books, records and papers showing the payments made on account of the purchase of any and all timber lands in the State of Idaho and to whom such payment or payments were made and the manner of such payments, and any and all cash books, ledger accounts, bank books, notes, canceled checks, and the stubs of any and all check books showing any and all payments to any person, firm or corporation on account of acquiring or perfecting title to timber lands in the State of Idaho by the said Barber Lumber Com-

pany, and all correspondence had by you as manager or otherwise with any officer, attorney, employee, representative or agent of said company with reference to the acquiring and perfecting of Title to any timber lands in the State of Idaho, and all maps, plats, tracts or abstract books showing the lands and timber on lands owned by, claimed by or held in trust by said Barber Lumber Company, and shall produce all books, correspondence and documents that have any connection, whether directly or indirectly with the acquiring by the said Barber Lumber Company of timber lands in the State of Idaho.

The object of the foregoing order being to produce all such evidence before the Grand Jury as pertains to the acquirement of timber lands by the Barber Lumber Company in the State of Idaho and showing all transactions in relation thereto.

Given this 6th day of April, 1907.

JAS. H. BEATTY,
District Judge."

I hereby certify that I received the within In re Contempt of L. G. Chapman Order at Boise, Idaho, on April 6th, 1907, and that I served the same upon L. G. Chapman, the person named therein, at Boise, Idaho, on April 6th, 1907, by handing to and leaving with him personally, a copy of the within In re Contempt of L. G. Chapman Order.

R. ROUNDS,
U. S. Marshal.
By W. R. Bryon,
Deputy.

Boise, Idaho, April 7th, 1907.
Filed April 6th, 1907."

EXHIBIT "D."

"At a stated term of the District Court of the United States, for the District of Idaho, held at Boise, Idaho, on Monday the 8th day of April, 1907.

Present: Hon. JAS. H. BEATTY, Judge.

In the Matter of Contempt Proceedings Against L. G. CHAPMAN, a Witness Before the Grand Jury.

Now came the Grand Jury with the U. S. District Attorney and the witness L. G. Chapman, and his counsel, Lyttleton Price, Esq. The said Grand Jury reported to the Court that the said witness had failed to comply with the order of this court heretofore entered and after argument of counsel the court ordered as follows, to wit:

Whereas, it appears that the order heretofore made on the 6th day of April, 1907, to the general effect that all the books, correspondence, papers and documents pertaining to the acquirement by the Barber Lumber Company, of certain timber lands, has led to a controversy as to which thereof are pertinent and, as reported to the Court by the Grand Jury, the company, its agents and attorneys have assumed to determine which are pertinent instead of leaving such determination to the judgment of the Grand Jury, it is now, therefore, ordered that all the books, accounts, papers and all documents of every kinds, whether pertaining to the acquirement of said timber lands or to any business of said Barber Lumber Company in Idaho, be immediately submitted to the inspection and examination of said Grand Jury by the Manager of said Company, Mr. L. G. Chapman,

who has testified before said Grand Jury that he is the custodian and in possession of such books, papers and documents.

To avoid placing before the Grand Jury any of the records or evidence of the business operations of said Company, which do not bear upon or are in no way connected with the matters now under investigation by the Grand Jury, it is now, further ordered that the United States District Attorney and the attorneys, or either of them, who have appeared for said Chapman may agree together that said District Attorney with two competent examiners selected by him, who are so acquainted with the issues and matters now being investigated before the said Jury, that they may determine what matters are pertinent, shall examine, in the presence of said Chapman or either of his attorneys, all said books, papers, documents, etc., of said Company, and only those or the parts thereof which said District Attorney and the said two examiners so selected shall determine are pertinent shall be subjected to the inspection of said Grand Jury, and that until the parties shall agree to such arrangement, the examination of said records, and documents, as above referred to, shall proceed before the Grand Jury."

EXHIBIT "E."

"In the District Court of the United States in and for the District of Idaho.

In the Matter of the Contempt of L. G. CHAPMAN.

Now comes the Grand Jury, duly empaneled, into court, and further reports to the court that the witness, L. G. Chapman further appeared before the

Grand Jury on this, the 9th day of April, 1907, in obedience to the subpoena heretofore issued and served upon him, and the order of this court, requiring him to produce certain books, papers, correspondence and other documents of the Barber Lumber Company before said Grand Jury, and upon being interrogated respecting the same, he then and there said he would refuse and did refuse to produce any of the books, papers, correspondence or other documents of said Barber Lumber Company, and did then and there refuse to produce the same or any of the same for the inspection of the Grand Jury; and placed such refusal upon the grounds stated in the document hereunto appended and made a part of this report.

WHEREFORE, The Grand Jury await the further instructions of the Court in the premises.

WILLIAM B. GRIGSBY,

Foreman of the Grand Jury.

April 9th, 1907."

In the District Court of the United States, Central Division, for the District of Idaho.

To the Foreman and Gentlemen of the Grand Jury:

I shall have to decline to produce the documents called for in the subpoena served upon me and in the orders of the Court in relation thereto;

First. I am the general manager of the Barber Lumber Company, and also a stockholder in said corporation. I have been such general manager ever since said corporation commenced business in Idaho, and have represented the corporation in this State. As such general manager, I have knowledge of its dealings in relation to procuring the government

timber lands in this state; and also of all its business affairs within the State of Idaho. I have had control and custody of all the books, papers, and records called for in the subpoena served upon me and referred to in the orders of the Court in reference thereto.

Second. For the reason that the subpoena and order of the Court contravene the 4th Amendment of the Constitution of the United States. That said subpoena and order of the Court directing the production of all the books, records and files in the office of the Barber Lumber Company is too general in its character and is unreasonable and against the law.

Third. That the subpoena served upon me, and the order of the Court in relation thereto, gives me no information whatever as to the person or matters under investigation by the said Grand Jury, and therefore no intimation as to what documents would be material, and should be produced by me before said Grand Jury.

Fourth. That the District Attorney, Mr. Ruick, stated in open court that there was evidence before the Grand Jury touching the acquisition of lands by the Barber Lumber Company of which the witness, Chapman, might be and very likely was ignorant, and, therefore, he could not be permitted to be the judge as to whether or not the evidence which he offered was pertinent.

Fifth. That the records, documents and papers called for in said subpoena and orders of the Court made in reference thereto, contain, to a large extent, all the private business transactions of said Barber

Lumber Company, and private and confidential correspondence which could in no manner be of any value or aid to this Grand Jury in any of their deliberations, and the production and exposure of said books, records and documents to said district attorney, his associates, and the Grand Jury, would invade the private business affairs and private correspondence of myself and the Barber Lumber Company, and is therefore unreasonable and void. By the order of this court I am required to leave these records, documents and evidence in the possession of the Grand Jury and district attorney in order that he may select, after an investigation of all these private matters, such parts thereof as he may deem material; and that said books, records and documents are to be taken from my possession and given into the possession of said district attorney for said purpose.

Sixth. I shall also have to decline to produce or exhibit to the Grand Jury for their consideration, the records, correspondence and documents called for in said subpoena served upon me in this matter, and in the orders of the court in relation thereto, on the ground that the production of said records, correspondence, and other documents might tend to incriminate me, and that the subpoena to produce the same, and the order of the Court in relation thereto, and the production thereof, would be contrary to the 5th amendment to the Constitution of the United States, which declares:

‘No person shall be compelled, in any criminal case, to be a witness against himself.’

The above and foregoing objections are made by me in good faith and without any disrespect to the Court or Grand Jury, and without any intention, upon my part, to obstruct or in any manner interfere with the due administration of justice, but solely to protect my legal rights in the premises.

L. G. CHAPMAN."

"Filed April 9th, 1907."

EXHIBIT "F."

"In the District Court of the United States in and for the District of Idaho.

In the Matter of the Contempt of L. G. CHAPMAN,
a Witness Before the Grand Jury.

Now, on this 9th day of April, 1907, came the Grand Jury with the U. S. District Attorney and the witness L. G. Chapman, and his counsel, Lyttleton Price and A. A. Fraser, Esqs.; thereupon the said Grand Jury reported to the Court that the said witness had refused to comply with the order of this court entered on the 8th day of April, 1907, requiring him to produce certain books, papers, correspondence and other documents of the Barber Lumber Company before said Grand Jury.

And the Court being fully advised in the premises, ordered that the said L. G. Chapman, be adjudged guilty of contempt of this court in refusing to comply with said order to produce the documents and papers required by the order aforesaid; and that he be punished therefor.

That he be now remanded to the custody of the United States Marshal for the District of Idaho, and

that he be by the said ~~Marshal for the District of Idaho~~, and that he be by the said Marshal confined in the county jail of Ada County, until he comply with the aforesaid order, or until someone on his behalf, produce said documents and papers for the inspection of said Grand Jury, or until the further order of this court.”

“United States of America,
District of Idaho.

I hereby certify that I received the within ‘In the Matter of the contempt of L. G. Chapman, a witness before the Grand Jury’ Order at Boise, Idaho, on April 9th, 1907, and executed the same by committing the said L. G. Chapman to the Ada County Jail at Boise, Idaho, on April 9th, 1907, as within I am commanded.

R. ROUNDS,
U. S. Marshal.

Boise, Idaho, April 9th, 1907.

Filed April 10th, 1907.”

“United States of America,
District of Idaho,—ss.

I, A. L. Richardson, Clerk of the District Court of the United States, for the District of Idaho, do hereby certify that the foregoing transcript of papers hereunto annexed, Marked ‘B., C., D., E. & F.’ are true and correct copies of the originals as they appear upon record and on file in said court, In the Matter of the Contempt of L. G. Chapman, a witness before the Grand Jury.

Witness my hand, and the seal of said Court affixed at Boise, Idaho, this 10th day of April, 1907.

[Seal]

A. L. RICHARDSON,
Clerk."

Plaintiff's Exhibit No. 145F.

**ANSWER TO ORDER TO SHOW CAUSE IN
CONTEMPT.**

*"In the District Court of the United States, Central
Division, District of Idaho.*

To the HON. JAMES H. BEATTY, Judge of said
Court:

I shall have to decline to produce the documents called for in the subpoena served upon me and in the orders of the Court in relation thereto.

First. I am the general manager of the Barber Lumber Company, and also a stockholder in said corporation. I have been such general manager ever since said corporation commenced business in Idaho, and have represented the corporation in this State. As such general manager, I have knowledge of its dealings in relation to procuring the Government timber lands in this state; and also of all its business affairs within the State of Idaho. I have had control and custody of all the books, papers and records called for in the subpoena served upon me and referred to in the orders of the Court in reference thereto.

Second. For the reason that the subpoena and order of the Court contravene the 4th Amendment of the Constitution of the United States. That said subpoena and order of the Court directing the pro-

duction of all the books, records and files in the office of the Barber Lumber Company is too general in its character and is unreasonable and against the law.

Third. That the subpoena served upon me, and the order of the Court in relation thereto, gives me no information whatever as to the person or matters under investigation by the said Grand Jury, and therefore no intimation as to what documents would be material and should be produced by me before said Grand Jury.

Fourth. That the District Attorney, Mr. Ruick, stated in open court that there was evidence before the Grand Jury touching the acquisition of lands by the Barber Lumber Company of which the witness, Chapman, might be and very likely was ignorant. and therefore he could not be permitted to be the judge as to whether or not the evidence which he offered was pertinent.

Fifth. That the records, documents, and papers called for in said subpoena and orders of the Court made in reference thereto, contain, to a large extent, all the private business transactions of said Barber Lumber Company, and private and confidential correspondence which could in no manner be of any value or aid to this Grand Jury in any of their deliberations, and the production and exposure of said books, records, and documents to said district attorney, his associates, and the Grand Jury, would invade the private business affairs and private correspondence of myself and the Barber Lumber Company, and is therefore unreasonable and void. By the order of this court, I am required to leave these

records, documents and evidence in the possession of the Grand Jury and district attorney in order that he may select, after an investigation of all these private matters, such parts thereof as he may deem material; and that said books, records and documents are to be taken from my possession and given into the possession of said district attorney for said purpose.

Sixth. I shall also have to decline to produce or exhibit to the Grand Jury for their consideration, the records, correspondence and documents called for in said subpoena served upon me in this matter, and in the orders of the Court in relation thereto, on the ground that the production of said records, correspondence and other documents might tend to incriminate me, and that the subpoena to produce the same, and the order of the Court in relation thereto, and the production thereof would be contrary to the 5th Amendment to the Constitution of the United States, which declares:

‘No person shall be compelled, in any criminal case, to be a witness against himself.’

The above and foregoing objections are made by me in good faith and without any disrespect to the Court or Grand Jury, and without any intention, upon my part, to obstruct or in any manner interfere with the due administration of justice, but solely to protect my legal rights in the premises.

L. G. CHAPMAN.”

Plaintiff's Exhibit No. 145G.**SUBPOENA.**

*"In the District Court of the United States for the
District of Idaho.*

United States of America,
District of Idaho,—ss.

The President of the United States of America, to
Barber Lumber Company, L. G. Chapman, Man-
ager; L. G. Chapman, Manager, Barber Lumber
Company; L. G. Chapman, Greeting:

You are hereby commanded to appear in the Dis-
trict Court of the United States, for the District of
Idaho, at Boise City, in said District forthwith, 1907,
to testify as a witness on behalf of the United States
in the cause of United States of America, vs. John I.
Wells, and others. And have you then and there:

All stock books or other records showing the
owners, past and present, of the stock of the said
Barber Lumber Company, and all transfers and as-
signments of the stock thereof.

And all books, records, papers and correspondence
of the Barber Lumber Company, or any officer, agent
or attorney thereof, relating to the acquiring and per-
fecting of title by and in the Barber Lumber Com-
pany to timber and other lands in the State of Idaho.

And all records, accounts and correspondence with
every officer, employee, representative, agent or at-
torney engaged in or employed for the purpose of ac-
quiring title by or perfecting title in the Barber
Lumber Company, Horace S. Rand, Albert E.

Palmer or George S. Long, or any or either of them, to timber or other lands in the State of Idaho; and all accounts with and the payment or payments made to or by any and all of said officers, employes, representatives, agents, or attorneys, in and about the said business of acquiring title for or perfecting title in the said persons or corporation or either or any of them, to timber or other lands in the State of Idaho.

And any and all books, records and papers of said Barber Lumber Company or any agent, attorney or officer thereof, showing the payments made on account of the purchase of any and all timber or other lands in the State of Idaho, for or on behalf of said Barber Lumber Company, or either or any of the persons above named, and to whom such payment or payments were made and the manner of such payment.

And any and all options, contracts and agreements made by or on behalf of said Barber Lumber Company or any attorney, agent or officer thereof, with any person, association, agent, officer, representative, employee or attorney in reference to the acquiring of timber and other lands in the State of Idaho; also any and all options, contracts or agreements relating to the acquiring of title to timber or other lands in the State of Idaho, to which options, contracts or agreements any person who thereafter became an officer, director or stockholder of the Barber Lumber Company, thereafter incorporated, was a party, and in any way relating to lands acquired by the said Barber Lumber Company in the State of Idaho.

And any and all cash-books, ledger accounts, bank-

books, bank drafts, company or individual notes, cancelled checks, and the stubs of any and all check books of said Barber Lumber Company or any officer thereof, showing any and all payments to any person, firm or corporation on account of acquiring and perfecting title to timber and other lands in the State of Idaho by said Barber Lumber Company, or by either or any of the persons above named.

And all correspondence, of said company or any officer thereof, with any officer, attorney, employee or representative or agent, of said company, in reference to the acquiring and perfecting of title to any timber of other lands in the State of Idaho.

Also the articles of incorporation and by-laws of said Barber Lumber Company and the Minutes and records of the meetings of the stockholders and the directors of said Barber Lumber Company from the date of its organization.

And all maps, plats, and tract or abstract books, showing the lands and timber and estimates of timber on lands, owned by, claimed by, or held in trust for said Barber Lumber Company.

The above to include the originals, duplicates, and all copies, letter-press, carbon or otherwise, of any and all of the aforesaid books, records, documents, letters, correspondence and papers, from the organization of the said Barber Lumber Company, down to and including the year 1906, now in your possession or under your control, or in the possession or under the control of any agent, employe, representative, attorney or officer of said Barber Lumber Company, relating to the acquiring by said Barber

Lumber Company of title to timber or other lands situated within the State of Idaho.

Hereof fail not.

Witness the Honorable EDWARD WHITSON, Judge of the District Court of the United States, and the Seal of said Court hereto affixed at Boise City, in said District, on Sept. 21st, A. D. 1907.

[Seal] A. L. RICHARDSON,
Clerk."

I hereby certify that I received the within subpoena Duces Tecum at Boise, Idaho, on September 23d, 1907, and that I served the same upon the Barber Lumber Company, by serving L. G. Chapman, its Manager; L. F. Chapman, Manager, Barber Lumber Company; and L. G. Chapman, by showing the original to, and handing to and leaving with the said L. G. Chapman, personally, a subpoena ticket Duces Tecum at Boise, Idaho, on September 23d, 1907.

R. ROUNDS,
U. S. Marshal.
By W. R. Bryo,
Deputy."

Boise, Idaho, Sept. 23d, 1907.

Plaintiff's Exhibit No. 145H.

ANSWER OF L. G. CHAPMAN TO SUBPOENA.

"To His Honor, the Judge of this Court:

I shall have to decline to produce some of the documents called for in the subpoena served upon me, and in answer to which I am now present in Court, for the following reasons:

First: I am the general manager for the Barber Lumber Company, and am also a stockholder in said

corporation. I have been such general manager ever since said corporation commenced active business in Idaho, and have represented and now represent the corporation in this state. As such general manager, I have had charge of and have knowledge of its dealings in relation to procuring government timber lands in this state; and also of all its business affairs with the state of Idaho, and its books of account have been and are now kept under my direction. Such books of account show the manner of acquiring Government lands and the payments for them. I have never had control of some of the books, papers and records called for in the subpoena served upon me.

Second: That the records, documents and papers called for in said subpoena, contain, to a large extent, all the private transactions of said Barber Lumber Company, and private and confidential correspondence which could, in no manner, be of any value or aid to this jury in any of their deliberations, and the production and exposure of such books, records and documents would invade the private business affairs and private correspondence of myself and the Barber Company, and is therefore unreasonable and void.

Third: The stock books, corporate records and by-laws, contracts and options referred to in said subpoena are not and never have been in my possession or control.

Fourth: I shall have to decline to produce or exhibit to the jury for their consideration such of the records, books of account and the other documents called for in said subpoena served upon me in this

matter which are under my control and which I have not produced, on the ground that the production of such records, books of account, and said other documents might tend to incriminate me, and that the subpoena to produce the same, and the production thereof would be contrary to the fifth amendment to the Constitution of the United States, which declares: 'No person shall be compelled, in any criminal case, to be a witness against himself.'

The above and foregoing objections are made by me in good faith and without any disrespect to the Court or jury, and without any intention, upon my part, to obstruct or in any manner interfere with the due administration of justice, but solely to protect my legal rights in the premises.

E. E. GARRETT.

Plaintiff's Exhibits Nos. 146A to 146D.

E. E. GARRETT.

Plaintiff's Exhibit No. 146A.

NOTICE OF APPEAL IN CASE OF UNITED STATES vs. JAMES T. BALL.

"DEPARTMENT OF THE INTERIOR.

United States Land Office, Boise, Idaho.

UNITED STATES

vs.

JAMES T. BALL.

**Involving Timber and Stone Filing No. 228 for the
SW. 1/4 of Section 13, Township 7 North Range
5 East B. M.**

NOTICE OF APPEAL.

To L. L. Sharp, Special Agent G. L. O. and Milton G. Cage, Esq., attorneys for the United States and to the Register and Receiver of the United States Land Office at Boise City, Idaho.

You and each of you will please take notice that the above named defendant, James T. Ball, hereby appeals from the decision of the Register and Receiver of the United States Land Office at Boise City, Idaho, in the above-entitled cause, made on the 9th day of April, 1904, to the Honorable Commissioner of the General Land Office upon the following grounds, to wit:

1st: That said decision is not supported by the evidence in the case.

2nd: That said decision is contrary to the evidence in the case, and is contrary to law and equity.

3rd: That the Register and Receiver erred in finding and holding that the entryman was not offering to purchase the land in question for his own use and benefit, but was making the entry in the interest of other parties:

4th: That the Register and Receiver erred in disregarding the decisions of this Department, that the burden of proof in such cases, was upon the Government, and that fraud in an entry will never be presumed but must be proven by a clear preponderance of the evidence.

5th: That the Register and Receiver erred in deciding and holding that the defendant's timber and stone filing No. 228 should be canceled.

ARGUMENT IN SUPPORT OF APPEAL.

The charge made, by the government in this case, was that the said entry of defendant James T. Ball was made in the interest and for the benefit of John I. Wells of Boise, who was to pay all expenses and afterwards purchase the land.

The burden was upon the government to prove by a clear preponderance of the evidence that the defendant's entry was fraudulent, and made in the interest of the said John I. Wells, or some person other than the entrymen. That fraud will never be presumed but must be proven by a clear preponderance of the evidence in order to justify the cancellation of an entry is one of the best established principles of law, and is supported by all the ruling of this Department.

In re Geo. T. Burns, 4 L. D. 62

U. S. vs. Bryan, 2 L. D. 149. See page 151.

In re Putnam, 5 L. D. 22.

Levesque vs. Armstrong, 15 L. D. 445.

Has the government met this burden of proof and shown by a clear preponderance of the evidence that the defendant's entry was fraudulent? We submit that it has not. As will be shown by the records in this case, the government had filed contests against the entry of this defendant, James T. Ball, also against the entries of Harvey H. Wells, Able Edward Hunter and Arthur Anderson; that the evidence in the Anderson case was taken first and the cases of Harvey H. Wells, Able Edward Hunter, and of this defendant were consolidated and tried together, by stipulation: It was also stipulated, 'that

the testimony taken in the case of the United States vs. Arthur Anderson should be considered as having been introduced in these three cases, tried together, in so far as such testimony and evidence in any manner affects, the questions involved in said above mentioned three cases, or either of them, and is material thereto.' Upon the filing of this stipulation the government introduced no evidence in either of these cases, but rested. Each of the defendants James T. Ball, Harvey H. Wells, and Able Edward Hunter, went upon the stand and testified, that his entry had been made in good faith, and entirely for his own use and benefit, and that no person, other than himself, had any interest in it whatever. That he had paid for the land embraced in his entry with his own money, that he had not sold it or agreed to sell it to any person whatever, either before, or after he had made his proof. That he had no contract or understanding either direct or indirect, express, or implied, by which any person or persons, company or corporation, other than himself, would be in any manner benefited by his entry. The only thing attempted by the government was to show on cross-examination that these persons had made their entries at or near the same day, and that the times for their proofs were fixed at or near the same day, and had used the names of each other interchangeably as witnesses. That they had come here to Boise to make their final proofs upon the day advertised, but had not done so, but had let the time run over from four to five days after the date on which their proofs were advertised to be offered,

before they made the same, and that they all came into the Land Office on the same day and made their proofs. This delay in making their proofs was the only suspicious circumstances shown by the government, and this we submit, even if unexplained would not be sufficient to cause the claimant's entry to be canceled, in the fact of his positive evidence that there was no fraud in his entry, but this delay in making proof, is satisfactorily explained by each of the parties, and besides the Receiver of the Land Office when put upon the stand testified that it was not an unusual thing, but in fact the usual custom in his office for those making timber and stone entries to come to the office together, make their filings at the same time, have the date for their final proofs set at or near the same day, and to use each other interchangeably as witnesses. He further testified that there had been many cases in his office, where the parties had not made their proofs on the same day advertised, and had come in later and made them. We invite a close examination of the evidence taken at the hearing of these three cases, as consolidated, and have no hesitation in saying that not one line can be found that will justify the decision of the Register and Receiver in this case, and the cancellation of the defendant's entry.

We further call attention to the evidence of this defendant James T. Ball, and of Harvey H. Wells, and Able Edward Hunter given in the case of the United States vs. Arthur Anderson in regard to the good faith of these entries. This testimony will be found in the record in that case as follows: Evi-

dence of James T. Ball, pages 129-130. Evidence of Able Edward Hunter, pages 93-94. Evidence of Harvey H. Wells, page 158; also in the case of United States vs. Arthur Anderson, this man John I. Wells, whom the government alleges was to be benefited by the entry of this defendant testified, and we call particular attention to his testimony, found in the record of United States vs. Arthur Anderson at pages 282-283 where he denied positively that he had any understanding or agreement, either express or implied, with this defendant or either of the other parties by which he was to purchase their entries or the entry of either of them, after proof, either for himself, or as agent for any company, or corporation or by which he was to be in any manner benefited by the defendant's getting title to the land covered by his said entry.

We submit that the decision of the Register and Receiver in this case should be reversed and that final certificate and patent should be issued to the defendant.

Respectfully submitted,

HARRY S. WORTHMAN, and
FRANK MARTIN,

Attorneys for Defendant, James T. Ball.

Dated this 6th day of May, 1904.

Due service of the foregoing notice of appeal and receipt of copy admitted this 6th day of May, 1904.

LOUIS L. SHARP,

MILTON G. CAGE,

Attorneys for United States."

Plaintiff's Exhibit No. 146B.

COPARTNERSHIP AGREEMENT BETWEEN FRANK STEUNENBERG AND WM. SWEET.

ARTICLES OF COPARTNERSHIP MADE AND ENTERED INTO THIS TENTH DAY OF FEBRUARY, 1902, BETWEEN FRANK STEUNENBERG, OF CALDWELL, IDAHO, AND WILLIAM SWEET, OF BOISE, IDAHO.

The said parties above named have agreed and by these presents do agree to become co-partners in business, as Steunenbergs & Sweet, in acquiring, holding, selling timber lands in Boise County, Idaho, and doing all matters in connection with the owning, holding, selling and managing timber business in said County, which they may deem desirable, their co-partnership to commence from the tenth day of February, 1902, and it is agreed that there has already been invested in said business the sum of Nineteen Thousand Seven Hundred Dollars (\$19,700), of which amount William Sweet has invested personally Twelve Thousand Two Hundred Dollars (\$12,200), and Steunenbergs & Sweet, jointly, Seven Thousand Five Hundred Dollars (\$7,500).

It is further agreed that the co-partnership firm shall pay to William Sweet, out of the money realized from the business, the said sum of Twelve Thousand Two Hundred Dollars (\$12,200) with interest thereon at the rate of six per cent from the date of this contract.

It is further agreed that the interest of each of said partners is an equal interest and that this contract covers all timber lands hereafter acquired by either of the parties to the contract, and that they shall share the profits and losses share and share alike and be equal partners in the entire business.

IN WITNESS WHEREOF, The parties have hereunto set their hands and seals the day and year first above written.

FRANK STEUNENBERG. [Seal]

WM. SWEET. [Seal]

Plaintiff's Exhibit No. 146C.

Notice of appeal in brief and argument in case of U. S. vs. James T. Ball.

Brief signed by Harry S. Worthman and Frank Martin, Attorneys for Defendant, acceptance of service admitted by Milton G. Cage, of counsel for U. S. Jan. 31, 1905.

Plaintiff's Exhibit No. 146D.

Report of Register and Receiver in re T. & S. Sworn Statement of Wm. W. Abrams.

Plaintiff's Exhibits Nos. 147A to 147O.

Plaintiff's Exhibit No. 147A.

NETTIE WESTON: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 1585, dated and filed Sept. 19, 1905, for entry of Southeast Quarter of Section 14, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 147B.

Affidavit of Publication.

Plaintiff's Exhibit No. 147C.

Notice for Publication; Leon S. Simpson, Eleanor A. Phelps, Edward J. Phelps, Harry L. Fisher.

Plaintiff's Exhibit No. 147D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 147E.

Cross-examination of witness, Leon S. Simpson.

Plaintiff's Exhibit No. 147F.

Testimony of witness, Leon S. Simpson.

Plaintiff's Exhibit No. 147G.

Cross-examination of witness Eleanor A. Phelps.

Plaintiff's Exhibit No. 147H.

Testimony of witness, Eleanor A. Phelps.

Plaintiff's Exhibit No. 147 I.

AFFIDAVIT OF THOMAS B. MARTIN,
CALLED AS WITNESS BY REGISTER.

In the Matter of the Timber and Stone Entry of
NETTIE WESTON, for the SE. $\frac{1}{4}$, Sec. 14, T.
7, N. R. 5 E., B. M.

THOMAS B. MARTIN, called by the Register.

Q. What relation, if any, is the applicant to you?

A. She is my oldest daughter.

Q. How long has she been married?

A. About two years.

Q. Have you loaned her money to make the purchase of the land here before us, if so how much?

A. I have loaned her \$414.00 this morning.

Q. What security did you receive for this loan?

A. I have received none at all, I did not ask for any.

Q. Then why did you loan the applicant the money?

A. I loaned her the money for love and affection that I bear my child; she is married to a young man of good habits but of no large means. I learned of this land being vacant and a good purchase and I thought it a good opportunity for the girl to get a timber claim. I told her that if she did not have the money I would loan it to her and the thought of security never occurred to me. She is now keeping boarders and making some money for herself in which her husband has no interest and she will repay me from the proceeds of her own labor, as I see it. I wish to say, sir, that this is a purely family matter in that I wish to see my daughter better her condition and I have no agreement or understanding with anyone by which she is using my money to advance anyone else. I consider that she has a claim upon my means and the loan is in good faith to help her along.

THOMAS B. MARTIN.

Sworn to and subscribed before me, this 22d day of December, 1905, at my office at Boise, Ada County, Idaho.

HARRY J. SYMS,
Register.

Plaintiff's Exhibit No. 147J.

Affidavit of Nettie Weston, in re amount of Public Lands entered.

Plaintiff's Exhibit No. 147K.

NON-ALIENATION AFFIDAVIT.

“U. S. Land Office, Boise, Idaho.

December 22, 1905.

Personally appeared before me this 22d day of December, 1905, Nettie Weston, who being duly sworn, deposes and says that she is the applicant for Government title to the SE. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M., being the tract applied for by her under her timber and stone application No. 1585, made at the Boise Land Office; that she purports to purchase said land with her own separate money, in which her husband has no interest or claim; that she has made no contract or agreement whereby any interest whatever therein will inure to her said husband, or any other person, and that she has never made an entry under the act of June 3, 1878, as amended by Act of August 4, 1892, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons thereunder.

NETTIE WESTON.

Sworn to and subscribed before me this 22d day of December, 1905, at my office in Boise, Ada County, Idaho.

EDWARD E. GARRETT,

Receiver.

Plaintiff's Exhibits Nos. 147, etc., Concluded.

Plaintiff's Exhibit No. 147L.

ANSWERS Given by Nettie Weston, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16. I did.

Answer to Question 17. I borrowed the money to make the payment from my father. I gave no security.

Answer to Question 18. I have not.

Plaintiff's Exhibit No. 147M.

Testimony of Nettie Weston, dated December 22nd, 1905.

Plaintiff's Exhibit No. 147N.

Receiver's Receipt No. 3440, dated Dec. 22nd, 1905.

Plaintiff's Exhibit No. 147O.

Final Certificate No. 3440, dated Dec. 22nd, 1905.

Plaintiff's Exhibits Nos. 148A to 148L.

Plaintiff's Exhibit No. 148A.

LEON S. SIMPSON: Residence, Boise, Idaho; occupation, bookkeeper.

Sworn Statement, No. 1582, filed and dated Sept. 16th, 1905, for entry of East One-half of the Northwest Quarter, West One-half of the Northeast Quarter, Section 15, Township 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 148B.

Affidavit of Publication.

Plaintiff's Exhibit No. 148C.

Notice for Publication; witnesses for final proof, Thomas B. Martin, Eleanor Phelps, Mary J. Martin, and Harry L. Fisher.

Plaintiff's Exhibit No. 148D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 148E.

Testimony of Leon S. Simpson, at final proof, dated December 22d, 1905.

Plaintiff's Exhibit No. 148J.

ANSWERS Given by Leon S. Simpson to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do expect to pay for the land with my own money.

Answer to Ques. 17: From my savings. For several months.

Answer to Ques. 18: Yes, at the Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 148G.

Testimony of witness, Thomas B. Martin at final proof.

Plaintiff's Exhibit No. 148H.

Testimony of witness Eleanor A. Phelps, at final proof.

Plaintiff's Exhibit No. 148 I.

Cross-examination of witness, Eleanor A. Phelps, at final proof.

Plaintiff's Exhibit No. 148F.

Cross-examination of witness, Thomas B. Martin, at final proof.

Plaintiff's Exhibit No. 148K.

Receiver's Receipt No. 3441, dated Dec. 22, 1905.

Plaintiff's Exhibit No. 148L.

Final Certificate No. 3441, dated Dec. 22, 1905.

Plaintiff's Exhibits Nos. 149A to 149N.**Plaintiff's Exhibit No. 149A.**

MARY J. MARTIN: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement No. 1584, dated and filed Sept. 16, 1905, for entry of Southwest Quarter of Section 14, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 149B.

Notice for Publication; witnesses for final proof, Leon S. Simpson, Thomas B. Martin, Eleanor A. Phelps, Harry L. Fisher.

Plaintiff's Exhibit No. 149C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 149D.

ANSWERS of Mary J. Martin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. I expect to pay from my own money for the land.

Answer to Ques. 17: From my savings. Over a year.

Answer to Ques. 18: I do not keep a bank account.

Plaintiff's Exhibit No. 149E.

Testimony of Mary J. Martin, at final proof, dated December 22, 1905.

Plaintiff's Exhibit No. 149F.

Cross-examination of witness, Eleanor A. Phelps, at final proof.

Plaintiff's Exhibit No. 149G.

Testimony of Eleanor A. Phelps, at final proof.

Plaintiff's Exhibit No. 149H.

Cross-examination of witness, Leon S. Simpson, at final proof.

Plaintiff's Exhibit No. 149 I.

Testimony of witness, Leon S. Simpson, at final proof.

Plaintiff's Exhibit No. 149J.

NON-ALIENATION AFFIDAVIT.

“U. S. Land Office, Boise, Idaho.

December 2, 1905.

Personally appeared before me this 22 day of December, 1905, Mary J. Martin, who being duly sworn, deposes and says that she is the applicant for Government title to the SW. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M., being the tract applied for by her under her timber and stone application No. 1584 made at the Boise Land Office; that she purposes to purchase said land with her own separate money, in which her husband has no interest or claim; that she has made no contract or agreement whereby any interest whatever therein will inure to her said husband, or any other person, and that she has never made an entry under the Act of June 3, 1878, as amended by Act of August 4, 1892, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons thereunder.

MARY J. MARTIN.

Sworn to and subscribed before me this 22d day of December, 1905, at my office in Boise, Ada County, Idaho.

HARRY J. SYMS,
Register."

Plaintiff's Exhibit No. 149K.

Affidavit of Mary J. Martin, in re quantity of public land entered.

Plaintiff's Exhibit No. 149L.

Affidavit of Publication.

Plaintiff's Exhibit No. 149M.

Receiver's Receipt No. 3443, dated Dec. 22, 1905.

Plaintiff's Exhibit No. 149N.

Final Certificate No. 3443, dated Dec. 2, 1905.

Plaintiff's Exhibits Nos. 150A to 150N.

Plaintiff's Exhibit No. 150A.

ELEANOR A. PHELPS: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 1583, dated and filed Sept. 16, 1905, for entry of Southwest quarter of Section 13, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 150B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 150C.

Testimony of Eleanor A. Phelps, on final proof, dated December 22, 1905.

Plaintiff's Exhibit No. 150D.

Cross-examination of witness, Leon S. Simpson, on final proof.

Plaintiff's Exhibit No. 150E.

Testimony of witness, Leon S. Simpson.

Plaintiff's Exhibit No. 150F.

Cross-examination of witness, Thomas B. Martin, on final proof.

Plaintiff's Exhibit No. 150G.

Testimony of witness, Thomas B. Martin, on final proof.

Plaintiff's Exhibit No. 150H.

Affidavit of Eleanor A. Phelps, in re amount of land entered.

Plaintiff's Exhibit No. 150 I.

ANSWERS of Eleanor A. Phelps to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did. Yes, I shall pay for the land with my own money.

Answer to Ques. 17: From my own savings; for a long time.

Answer to Ques. 18: Yes, at the Capital State Bank, Boise.

Plaintiff's Exhibit No. 150J.

NON-ALIENATION AFFIDAVIT.

“U. S. Land Office, Boise, Idaho.

December 22, 1905.

Personally appeared before me this 22nd day of December, 1905, Eleanor A. Phelps, who being duly sworn, deposes and says that she is the applicant for Government title to the SW. $\frac{1}{4}$, Sec. 13, T. 7 N., R. 5 E., B. M., being the tract applied for by her under

her timber and stone application No. 1583, made at the Boise land office; that she purposes to purchase said land with her own separate money, in which her husband has no interest or claim; that she has made no contract or agreement whereby any interest whatever therein will inure to her said husband, or any other person, and that she has never made an entry under the Act of June 3, 1878, as amended by Act of August 4, 1892, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons thereunder.

ELEANOR A. PHELPS."

"Sworn to and subscribed before me this 22d day of December, 1905, at my office in Boise, Ada County, Idaho.

HARRY J. SYMS,
Register."

Plaintiff's Exhibit No. 150K.

Notice for Publication; witnesses for final proof, Thomas B. Martin, Leon S. Simpson, Lorenzo D. Martin, and Harry L. Fisher.

Plaintiff's Exhibit No. 150L.

Affidavit of Publication.

Plaintiff's Exhibit No. 150M.

Receiver's Receipt No. 3442, Dec. 22, 1905.

Plaintiff's Exhibit No. 150N.

Final Certificate No. 3442, Dec. 22, 1905.

Plaintiff's Exhibit No. 151A to 151J, Inclusive.

Letters from Wm. Sweet to J. H. Richards and

are copied in the record on pages 2647 to 2655, inclusive.

Plaintiff's Exhibit No. 152.

Letter from Wm. Sweet to Frank Steunenberg, copied on page 2656 of the record.

Plaintiff's Exhibit No. 153.

It is stipulated by and between the parties to this cause that the persons named in the list hereto attached, consisting of sheets numbered consecutively from 1 to 87 inclusive, severally made entries at the United States Land Office at Boise, Idaho, of the several tracts of public lands which are set opposite the names of such persons respectively; that in the case of each of the said persons and in respect of each of the said entries, the residence and the occupation of the entryman, the date of the sworn statement filed by such entryman, the date and number of the entry made by him, the date of the patent issued to each of the said entryman, where patent was issued, the date upon which and the name of the person to whom such patent was delivered, the date upon which and the name of the person at whose request the said patent was recorded, the date of the deed by which entryman conveyed the title by him acquired by such entry, the name of the grantee, the amount of the consideration expressed in such deed, the name of the officer before whom such deed was acknowledged, the name of the person by whom such deed was written, the date of the recordation of such deed and the name of the person at whose request the same was recorded, the names of the persons appearing as witnesses for the

entryman at the making of final proof by him and the names of the persons by whom other papers filed in the case were written, so far as the said foregoing facts are stated following and in immediate connection with the name of each of the said entrymen, are correctly stated in the said list.

This stipulation being intended to authorize the filing and admission in evidence of the entry papers in each of the cases listed without other proof of the genuineness of such papers, and to dispense with proof of the several facts in connection therewith which are herein above enumerate, and to have the same force and effect as if the said entry papers had been produced and given in evidence with due proof of their genuineness and of the other facts herein above stated and covered by this stipulation, the defendant reserving all objections to the evidence concerning the said entries and to the facts which the subject of this stipulation on the ground of immateriality, irrelevancy and all other grounds going to the admissibility of evidence tending to prove such facts which would have been available to the said defendant if proof of the said facts were offered by the production of the entry papers and the testimony of witnesses in proof of such facts.

Dated 3/11/09.

CHARLES A. KEIGWIN,
PEYTON GORDON,

Solicitors for Complainant.

C. T. BUNDY,
A. A. FRASER, and
J. H. HAWLEY,

Solicitors for Defendant.

HOMER G. ALLEN:

E. $\frac{1}{2}$ NE. $\frac{1}{4}$, E. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 18, T. 6 N., R. 6 E., B. M.

Residence—Boise, Idaho, No 1304 West Grand Avenue.

Sworn Statement No. 331, made March 22, 1902.

Cash Entry No. 1835 made June 12, 1902.

Patent dated January 28, 1904, Patent delivered to John J. Blake July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated June 13, 1902, entryman to A. E. Palmer, consideration named \$1500. Deed is in handwriting of L. M. Pritchard, and is acknowledged before L. M. Pritchard.

Deed recorded at request of W. E. Borah, February 18, 1904.

Occupation of entryman—Shepherd—Age 35 years.

Witnesses to final proof, Ery A. Wilmot and Samuel Marcum.

ADA V. AUSTIN:

N. $\frac{1}{2}$ SW. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 15, T 7 N., R. 7 E., B. M.

Residence No. 509 North 13th Street, Boise, Idaho.

Sworn Statement No. 943 made July 10, 1903.

Cash entry No. 2646, made October 13th, 1903.

Patent dated September 9, 1904, delivered to John J. Blake December 22, 1904, recorded at request of the Barber Lumber Company February 6, 1905.

Deed dated November 6, 1903 (Joint Deed), entrywoman and husband, Willard C. Austin to Horace S. Rand, consideration named in deed \$1600. Deed is in handwriting of John Kinkaid. Deed recorded at request of W. E. Borah, July 1, 1904.

Occupation of entrywoman—Housekeeper—Age 33 years.

Witnesses to final proof, Hortense D. Horner and Samuel S. Horner.

Sworn Statement, Non-mineral Affidavit and Deed is in handwriting of John Kinkaid.

WILLARD C. AUSTIN:

N. $\frac{1}{2}$ SW. $\frac{1}{4}$ SW. $\frac{1}{4}$ SW. $\frac{1}{4}$, Sec. 22, NE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 21, T. 7 N., R. 7 E., Boise, Meridian.

Residence—No. 509 North 13th Street, Boise, Idaho.

Sworn Statement No. 944 made July 10th, 1903.

Cash Entry No. 2645 made October 13, 1903.

Patent dated September 9, 1904, delivered to John J. Blake December 22, 1904, recorded at request of Barber Lumber Company, February 6, 1905.

Deed dated November 6, 1903 (Joint deed), entryman and wife, Ada V. Austin to Horace S. Rand, consideration named \$1600.

Deed is in handwriting of John Kinkaid.

Deed recorded at request of W. E. Borah July 1, 1904.

Witnesses to final proof, Hortense D. Horner and Samuel S. Horner.

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Occupation of entryman—Mining—Age 48 years.

Sworn Statement, Non-mineral Affidavit and Deed in handwriting of John Kinkaid.

GEORGE R. AVERY:

Residence, South Boise, Idaho.

Sworn Statement No. 1052 made September 14, 1903.

Cash Entry No. 2781 made December 12, 1903.

SE. $\frac{1}{4}$, Sec. 29, T. 6 N., R. 4 E., B. M.

Patent dated December 1, 1904, Patent delivered to John J. Blake Feb. 1, 1905.

Patent recorded at request of Barber Lumber Company, Feb. 6, 1905.

Deed dated December 24, 1903, entryman to George S. Long, consideration named \$800.

Deed recorded at request of W. E. Borah, July 1, 1904.

Witnesses to final proof, Charles W. Clawson and Andrew Campbell.

Occupation of Entryman—Teamster—Age 35 years.

Sworn Statement, Non-mineral Affidavit and Deed made out by John Kinkaid.

Date of deed is in different handwriting.

SMITH BARKER:

SW. $\frac{1}{4}$, Sec. 33, T. 6 N., R. 6 E., B. M.

Residence—Boise, Idaho.

Sworn Statement No. 349 made March 28, 1902.

Cash Entry No. 1889, made June 24, 1902.

Patent dated January 28, 1904, delivered to John J. Blake July 2, 1904, recorded at request

of Barber Lumber Company, October 11, 1904.
Deed dated June 26, 1902, entryman to A. E. Palmer, consideration named \$1000. Deed is in handwriting of L. M. Pritchard and was recorded at request of W. E. Borah February 29, 1904.

Witnesses to final proof, William H. Lewin and Edward E. Butler.

Occupation of entryman—Teamster—driving sprinkling wagon for Butler Brothers, compensation \$25.00 per month and board.

Entryman was identified at U. S. Land Office by John I. Wells.

Sworn Statement, Notice for publication and Non-mineral Affidavit are in handwriting of John I. Wells.

JOHN BATES:

N. $\frac{1}{2}$ of NE. $\frac{1}{4}$, NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$, Sec. 20; NW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, Sec. 21, T. 7 N., R. 5 E., B. M. Nash, Wisconsin.

Sworn Statement No. 246, made Oct. 21st, 1901.

Cash Entry No. 1997, made Aug. 2d, 1902.

Final Proof submitted June 13th, 1902.

Patent dated Feb. 1st, 1904, delivered to entryman Mar. 5th, 1904, recorded at request of entryman Mar. 18th, 1904.

Deed dated Mar. 17th, 1906, entryman to Barber Lumber Co.

Recorded at request of Barber Lumber Co. Mar. 24th, 1906.

Deed not in files.

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Proof witnesses, Patrick H. Downs and John I. Wells.

Occupation of entryman—Bookkeeper—Age 39 years.

Sworn Statement and Non-mineral Affidavit are in the handwriting of entryman.

Notice for Publication (?)

CHARLES R. BECKLEY:

N. $\frac{1}{2}$ of NW. $\frac{1}{4}$; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$; NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$, Sec. 26, T. 7 N., R. 8 E., B. M.

Boise, Idaho.

Sworn Statement No. 652, made Oct. 3d, 1902.

Cash Entry No. 2302, made Feb. 12th, 1903.

Final proof submitted Feb. 12th, 1903.

Patent dated June 10th, 1904, delivered to J. J. Blake Aug. 16th, 1904, recorded at request of Barber Lumber Co., Oct. 11th, 1904.

Joint deed dated Feb. 13th, 1903, Charles R. Beckley and Mantie Beckley to Horace S. Rand. Consideration named \$1600.00 L. M. Pritchard, Notary. Deed recorded at request of W. E. Borah, July 1st, 1904. Deed in handwriting of John Kinkaid.

Final Proof witnesses, Joseph Sullivan and Mrs. Elizabeth Schmelzel.

Occupation of entryman—Lumberman—Age 47 years.

Handwriting in filing papers unknown.

Did not make proof on day set—lack of funds.

MANTIE BECKLEY:

Boise, Idaho.

SW. $\frac{1}{4}$, Sec. 22 T. 7 N., R. 8 E., B. M.

Sworn Statement No. 650, made Oct. 3d. 1902.

Cash entry No. 2303, made Feb. 12th, 1903.

Final Proof submitted Feb. 12th, 1903.

Patent dated June 10th, 1904, delivered to J. J.

Blake, Aug. 16th, 1904, recorded at the request of Barber Lumber Co., Oct. 11th, 1904.

Joint deed dated Feb. 13th, 1903, Charles R. Beckley and Mantie Beckley to Horace S. Rand. Consideration named \$1600.00 L. M. Pritchard, Notary. Deed recorded at the request of W. E. Borah, July 1st, 1904. Deed in handwriting of John Kinkaid. Deed in files of Chas. R. Beckley.

Final proof witnesses, Joseph Sullivan and Mrs. Elizabeth Schmelzel.

Occupation of *Entryman*—Housewife—Age 36 years.

Handwriting in filing papers unknown.

Did not make proof on day set—lack of funds.

HENRY F. BENEDIX:

Boise, Idaho.

S. $\frac{1}{2}$ NW. $\frac{1}{4}$, N. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 5, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 277, made November 26, 1901.

Cash Entry No. 1980 made July 26, 1902.

Final proof submitted February 13, 1902.

Patent dated February 1, 1904, Patent delivered to John J. Black July 2, 1904, and recorded at request of Barber Lumber Company October 11, 1904.

Deed dated August 12, 1902, entryman to A. E.

Palmer, consideration name \$1000. Deed recorded at request of W. E. Borah, February 29, 1904.

Date in deed is changed from July 12, 1902, to August 12, 1902. Deed is in handwriting of John Kinkaid.

Final proof witnesses, Gustave H. Rothine and Patrick H. Downs.

Occupation of entryman—Trained Nurse—Age 28 years.

Sworn Statement, Notice for Publication and Non-mineral Affidavit are in handwriting of entryman.

SAMUEL M. BLANDFORD:

Boise, Idaho.

SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 11, E. $\frac{1}{2}$ NE. $\frac{1}{4}$, NE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 7 E., B. M.

Sworn Statement No. 649, October 3, 1902.

Cash Entry No. 2297 made February 10, 1903.

Patent dated June 10, 1904, delivered to John J. Blake August 16, 1904, recorded at request of Barber Lumber Company, October 11, 1904.

Deed Dated February 12, 1903 (joint deed), entryman and wife, Emma Lou Blandford, to Horace S. Rand, consideration named in deed \$1600. Deed in handwriting of and acknowledged before L. M. Pritchard. Deed recorded at request of W. E. Borah, June 23, 1904.

Final proof witnesses, Louis M. Pritchard and Patrick H. Downs.

Occupation of entryman, Director U. S. Weather Bureau, Boise, Idaho.

Sworn Statement, Non-mineral Affidavit and Deed are in handwriting of Louis M. Pritchard.

EMMA LOU BLANDFORD:

Boise, Idaho.

S. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 14, N. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 23, T. 7 N., R. 7 E., B. M.

Sworn Statement No. 648, made October 3, 1902.

Cash Entry No. 2298, made February 10, 1903.

Patent dated June 10, 1904, delivered to John J. Blake August 16, 1904, recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated February 12, 1903 (Joint deed), Entrywoman and husband, Samuel M. Blandford, to Horace S. Rand, consideration named \$1600.

Final Proof witnesses, Louis M. Pritchard and Patrick H. Downs.

Occupation of entrywoman—Housewife—Age 28 years.

Sworn Statement, Non-Mineral Affidavit, Notice for Publication and deed are made out in handwriting of Louis M. Pritchard.

SAMUEL C. BOWEN:

Centerville, Idaho, and Brooklyn, N. Y.

SW. $\frac{1}{4}$, Sec. 17, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 328, made March 17th, 1902.

Cash Entry No. 1887, made June 23d, 1902.

Final Proof submitted June 10th, 1902.

Patent dated Jan. 28th, 1904, Patent delivered

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to J. J. Blake July 2d, 1904, and recorded at the request of Barber Lumber Co., October 11th, 1904.

Deed dated Sept. 30th, 1902, entryman to A. E. Palmer, Consideration named \$1.00 and other valuable considerations. Deed recorded at the request of W. E. Borah, Nov. 6th, 1903. Deed acknowledged in Franklin County, Ohio. Deed prepared by John Kinkaid.

Final Proof witnesses, John I. Wells and Patrick H. Downs.

Occupation of entryman—Mine owner and operator—Age 41 years.

Sworn Statement, Notice for Publication, and Non-mineral Affidavit are in the handwriting of John Kinkaid.

EDGAR E. BUSH:

Boise, Idaho.

N. $\frac{1}{2}$ NW. $\frac{1}{4}$, NE. $\frac{1}{4}$ NW. $\frac{1}{4}$, NW. $\frac{1}{4}$ SW. $\frac{1}{4}$,
Sec. 21, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 616, made September 24, 1902.

Cash Entry No. 2404, made May 4, 1903, Re-advertised.

Patented July 26, 1904, patent delivered to John J. Blake September 20, 1904, recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated May 15, 1903, entryman to Horace S. Rand, consideration named \$1000. Deed is in handwriting of John Kinkaid.

Deed is recorded at request of W. E. Borah
July 1, 1904.

Final Proof witnesses, Walter Joplin and
George W. Butler.

Occupation of Entryman,—Teamster—Age 29
years.

Sworn Statement, Notice for publication, Non-
mineral Affidavit and deed are made out in
handwriting of John Kinkaid.

Entryman was identified at U. S. Land Office
by John Kinkaid.

ADELLA C. BROOKHART:

No. 215 So. 7th Street, Boise, Idaho.

S. $\frac{1}{2}$ SW. $\frac{1}{4}$, S. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 17, T. 6 N., R.
6 E., B. M.

Sworn Statement No. 346, March 26, 1902.

Cash Entry No. 1869, made June 17, 1902.

Patent dated January 28, 1904, Patent delivered to John J. Blake July 6, 1904, and recorded at request of Barber Lumber Company October 11, 1904.

Deed dated August 1, 1903, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah February 18, 1904.

Deed is in handwriting of John Kinkaid.

Final Proof witnesses, Frederick Thurman and
Lota T. Thurman.

Occupation of entrywoman—Keeping Boarders
—age 51 years.

Sworn Statement, Notice for Publication and
Non-mineral Affidavit are in handwriting of

John I. Wells.

The entrywoman was identified at the U. S. Land Office by John I. Wells.

ARTHUR E. BROOKHART:

No. 215 So. 7th Street, Boise, Idaho.

SW. $\frac{1}{4}$, Sec. 35, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 320, January 14, 1902.

Cash Entry No. 2050 August 26, 1902.

Proof submitted April 8, 1902.

Patented February 1, 1904, patent delivered to John J. Blake July 2, 1904, and recorded at request of Barber Lumber Company October 11, 1904.

Deed dated September 15, 1903, entryman to A. E. Palmer, consideration named \$925. Deed recorded at request of W. E. Borah February 29, 1904. Deed is in handwriting of John Kinkaid, date in acknowledgment has been changed.

Final proof witnesses, Martin S. Stephenson and Uriah F. McBurney.

Occupation of entryman—Teamster—Age 22 years.

Sworn Statement, Notice for Publication and Non-mineral Affidavit are in handwriting of John I. Wells.

JOHN H. BYRO:

Boise, Idaho.

SE. $\frac{1}{4}$ SW. $\frac{1}{4}$, Sec. 1; E. $\frac{1}{2}$ NW. $\frac{1}{4}$, SW $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 12, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 362 made April 18, 1902.

Cash Entry No. 1910 made July 11, 1902.

Patent dated January 28, 1904, patent delivered to John J. Blake July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated July 12, 1902, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah, February 17, 1904. Deed is in handwriting of L. M. Pritchard.

Final Proof witnesses, Edward Brisbin and William J. Marcum.

Occupation of entryman, working in grist mill, \$40 per month. Age 30 years.

Sworn Statement, Notice for Publication and Non-mineral Affidavit made out in handwriting of John I. Wells.

Entryman identified at U. S. Land Office by John I. Wells.

Deed is in handwriting of L. M. Pritchard.

ABBIE M. BRIGGS:

Marinette, Wisconsin, No. 1311 Main Street.

SW. $\frac{1}{4}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ SE. $\frac{1}{4}$,
Sec. 5, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1342 made June 8, 1904.

Cash Entry No. 3129, made September 20, 1904.

Patent dated April 17, 1905, Patent delivered to L. G. Chapman, June 9, 1905, and recorded at request of Barber Lumber Company, June 10, 1905.

Deed dated September 29, 1904, entrywoman to Barber Lumber Company, consideration named in deed \$800. Deed recorded at re-

quest of Barber Lumber Company October 12, 1904.

Witnesses to final proof, Custis F. Pike and Beulah B. Lake.

Occupation of entrywoman—Housewife—Age 61 years.

Sworn Statement, Notice for Publication and Non-mineral Affidavit are in handwriting of Milton G. Cage. Entrywoman was identified at U. S. Land Office by Milton G. Cage.

Deed is in handwriting of John J. Blake.

ANDREW CAMPBELL:

Boise, Idaho.

NW. $\frac{1}{4}$, Sec. 21, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1053, September 14, 1903.

Cash Entry No. 2782, December 16, 1903.

Patented December 1, 1904, Patent delivered to John J. Blake February 1, 1905, and recorded at request of Barber Lumber Company February 6, 1905.

Deed dated December 28, 1903, entryman and wife to George S. Long, consideration named \$800, Walter S. Walker, Notary.

Deed recorded at request of W. E. Borah, July 1, 1904.

Deed is in handwriting of John Kinkaid, Date in Deed in acknowledgment is in different ink and writing.

Final proof witnesses, Charles W. Clawson and George R. Avery.

Occupation of entryman—Teamster—Age 39 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication made out by John Kinkaid.

JOHN U. CASSELL:

Boise City, Idaho.

SW. $\frac{1}{4}$, Sec. 25, T. 8 N., R. 5 E., B. M.

Sworn Statement No. 297, made Dec. 19, 1901.

Cash Entry No. 2148, made Nov. 5, 1902.

Final Proof submitted Mar. 7, 1902.

Patent dated Feb. 1, 1904, delivered to John Kinkaid Feb. 17, 1904, not recorded.

Deed dated Mar. 19, 1903, entryman to A. E. Palmer, consideration named \$900.00. L. M. Pritchard, Notary. Deed recorded at request of W. E. Borah, June 27, 1904. Deed in handwriting of John Kinkaid.

Final Proof witnesses, John R. Gary and Patrick H. Downs.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of entryman.

Occupation of entryman—Miner—Age 29 years.

WILLIAM E. CAVANAUGH:

Boise, Idaho.

N. $\frac{1}{2}$ of NW. $\frac{1}{4}$; N. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 550, made Sept. 4, 1902.

Cash Entry No. 2245, made Dec. 26, 1902.

Final Proof submitted Dec. 26, 1902.

Patent dated May 13, 1904, delivered to J. J. Blake July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Feb. 11, 1903, entryman to Horace S. Rand, consideration named \$800.00. L. M. Pritchard, Notary. Deed recorded at request of W. E. Borah, June 23, 1904. Deed in handwriting of John Kinkaid.

Occupation of entryman—Stone Cutter—Age 31 years.

Final Proof witnesses Thomas F. Kelly and Burt T. Parker.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John Kinkaid.

Did not prove up on date set—lack of funds.

CHARLES W. CLAWSON:

Boise, Idaho, No. 1715 North 9th Street.

SW. $\frac{1}{4}$, Sec. 29, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1049, September 14, 1903.

Cash Entry No. 2778, December 15, 1903.

Patent dated December 1, 1904, Patent delivered to John J. Blake February 1, 1905, and recorded at request of the Barber Lumber Company February 6, 1905.

Deed dated December 24, 1903, entryman and wife to George S. Long, consideration named \$800. Walter S. Walker, Notary.

Deed recorded at request of W. E. Borah, July 1, 1904.

Deed is in handwriting of John Kinkaid. Date in deed and acknowledgment is in different ink and handwriting.

Final Proof witnesses, Andrew Campbell and George R. Avery.

Occupation of entryman,—Foreman, Barber Asphalt Co.—Age 40 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication made out by John Kin-kaid.

JOHN CHRISTENSON:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 25, T. 7 N., R. 7 E., B. M.

Sworn Statement No. 522, made Aug. 27th, 1902.

Cash Entry No. 2177, made Nov. 21, 1902.

Final Proof submitted Nov. 21, 1902.

No Patent.

Deed dated Nov. 22, 1902, entryman to A. E. Palmer, consideration named \$800.00. D. D. Williams, Notary. Deed recorded at request of W. E. Borah, July 1, 1904. Handwriting in deed unknown.

Final Proof witnesses, William Humphrey and Jens Olson.

Occupation of entryman—Upholsterer—Age 26 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John I. Wells.

GEORGE M. CUTLER:

Centerville, Idaho.

NW. $\frac{1}{4}$, Sec. 13, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 239, made Oct. 9th, 1901.

Cash Entry No. 1978, made July 26th, 1902.

Final Proof submitted Dec. 19th, 1901.

Patent dated Feb. 1st, 1904, delivered to J. J.

Blake July 2d, 1904, recorded at the request of Barber Lumber Co., Oct. 11th, 1904.

Deed dated Aug. 13, 1902, entryman to A. E. Palmer, consideration named \$1000.00. L. M. Pritchard, Notary. Deed recorded at the request of W. E. Borah, Feb. 29, 1904. Deed in handwriting of Pritchard.

Final Proof witnesses, John I. Wells and Michael Koppas.

Handwriting in filing papers unknown.

Occupation of entryman—Stage-driver—Age 29 years.

EDWARD J. DOCKERY:

Boise, Idaho.

E. $\frac{1}{2}$ of SE. $\frac{1}{4}$; SW. $\frac{1}{4}$ of SE. $\frac{1}{4}$; SE. $\frac{1}{4}$ of SW. $\frac{1}{4}$, Sec. 24, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 584, made Sept. 15, 1902.

Cash Entry No. 2231, made Dec. 22, 1902.

Final Proof submitted same date.

Patent dated May 13, 1904, delivered to entryman, June 21, 1904, recorded at request of W. E. Borah, July 1, 1904.

Deed dated Feb. 11, 1903 (joint), entryman and Eva Hunt Dockery, his wife, to Horace S. Rand, consideration named (2 claims) \$1800.00. W. H. Dunton, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses Patrick H. Downs and J. M. Neil.

Occupation of entryman—Lawyer—Age 37 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John Kinkaid.

Did not prove up on date set—funds did not arrive.

EVA HUNT DOCKERY:

Boise, Idaho.

Lots 3 and 4; S. $\frac{1}{2}$ of NW. $\frac{1}{4}$, Sec. 4, T. 7 N., R. 8 E.

Sworn Statement No. 583, made Sept. 15, 1902.

Cash Entry No. 2230, made Dec. 20, 1902.

Final proof submitted same date.

Patent dated May 13, 1904, delivered to E. J. Dockery, June 21, 1904, recorded at request of W. E. Borah, July 1, 1904.

Deed dated Feb. 11, 1903 (joint), Edward J. Dockery and Eva Hunt Dockery, his wife, to Horace S. Rand, consideration named (2 claims) \$1800.00; W. H. Dunton, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed with files of Edward J. Dockery.

Deed in handwriting of John Kinkaid.

Proof of witnesses, Patrick H. Downs and J. M. Neil.

Occupation—Librarian—Age 30 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John Kinkaid.

Did not prove up on date set—delay in receiving funds.

ROY DYE:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 15, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 370, made Apr. 29, 1902.

Cash Entry No. 1939, made July 18, 1902.

Final Proof submitted same date.

Patent not issued.

Deed dated July 19, 1902, entryman to A. E.

Palmer, consideration named \$1,000.00. L.

M. Pritchard, Notary. Recorded at request
of W. E. Borah, June 27, 1904.

Deed in handwriting of L. M. Pritchard.

Proof witnesses Henry Humphrey and John I.
Wells.

Occupation of entryman — Barber — Age 23
years.

Handwriting in entry papers unknown.

JOSEPH EHRLMANTRAUT, JR.:

Boise, Idaho, No. 1016 $\frac{1}{2}$ Idaho Street.

NW. $\frac{1}{4}$, Sec. 15, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1051, made September 14,
1903.

Cash Entry No. 2775, December 15, 1903.

Patent dated December 1, 1904. Patent delivered to John J. Blake, February 1, 1905, and recorded at request of Barber Lumber Company February 6, 1905.

Deed dated December 24, 1903 (joint deed), entryman and wife Margaret M. Ehrmantraut, to George S. Long, consideration named \$1600. Deed recorded at request of W. E. Borah, July 1, 1904. Deed is in handwriting

of John Kinkaid.

Final proof witnesses, Wheeler Martin and Frank Martin.

Occupation of entryman—Butcher—Age 49 years.

Sworn Statement, Non-mineral affidavit and Notice for Publication made out by John Kinkaid.

MARGARET M. EHRMANNTRAUT:

Boise, Idaho, No. 1016½ Idaho Street.

SE. ¼, Sec. 15, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1057, made September 14, 1903.

Cash Entry No. 2776, made December 15, 1903.

Patent dated March 18, 1904. Patent delivered to L. G. Chapman June 9, 1905, and recorded at request of Barber Lumber Company June 10, 1905.

Deed dated December 24, 1903 (joint deed), entrywoman and husband Joseph Ehumanntraut, Jr., to George S. Long, consideration named \$1600. Deed recorded at request of W. E. Borah, July 1, 1904.

Deed is in handwriting of John Kinkaid.

Final proof witnesses, Wheeler Martin and Frank Martin.

Occupation of entrywoman—Housewife—Age 48 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication were made out by John Kinkaid.

GEORGE H. ENSWORTH:

Boise, Idaho.

E. $\frac{1}{2}$ SE. $\frac{1}{4}$, E. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 19, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 329, made March 21, 1902.

Cash Entry No. 1840, made June 13, 1902.

Patent dated January 22, 1904. Patent delivered to John J. Blake, July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated June 18, 1902, entryman to A. E. Palmer, consideration named, \$1700. Deed recorded at request of W. E. Borah, October 5, 1903.

Deed is in handwriting of L. M. Pritchard.

Final proof witnesses, Louis M. Pritchard and Patrick H. Downs.

Entryman has no occupation—Age 48 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication are in handwriting of Louis M. Pritchard.

Entryman identified at U. S. Land Office by L. M. Pritchard.

ALBERT B. EWING:

Boise, Idaho.

Lots 3 and 4, and E. $\frac{1}{2}$ of SW. $\frac{1}{4}$, Sec. 7, T. 7 N., R. 6 E.

Sworn Statement No. 496, made Aug. 11, 1902.

Cash Entry No. 2153, made Nov. 7, 1902.

Final Proof submitted same date.

Patent dated May 24, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of

Barber Lumber Co., Oct. 11, 1904.

Deed dated June 29, 1903 (joint), entryman and Clara B. Ewing, his wife, to A. E. Palmer, consideration named (2 claims) \$1950.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, Feb. 26, 1904.

Deed with entry papers of Clara B. Ewing.

Proof witnesses, George S. Warren and William H. Humphrey.

Occupation of entryman—Merchant—Age 34 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John I. Wells.

URIAH FLINT:

Boise, Idaho.

NE. $\frac{1}{4}$ Sec. 35, T. 8 N., R. 5 E., B. M.

Sworn Statement No. 301, made December 21, 1901.

Cash Entry No. 1953, made July 21, 1902.

Proof submitted March 12, 1902.

Patent dated February 1, 1904. Patent delivered to John J. Blake July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated August 5, 1902, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah, February 29, 1904.

Deed in handwriting of L. M. Pritchard.

Final proof witnesses, Patrick H. Downs, and Samuel W. Swan.

Occupation of entryman—Ranching—Age 45 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication are in handwriting of John I. Wells.

JOHN D. FRENCH:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 20, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 344, made Mar. 26, 1902.

Cash Entry No. 1883, made June 20, 1902.

Final Proof submitted same date.

Patent dated Jan. 28, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated June 25, 1903, entryman to A. E. Palmer, consideration named \$1,000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, Ery Wilmot and Patrick H. Downs.

Occupation of entryman—Clerk—Age 25 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John I. Wells.

JOSEPH FRENCH:

Boise, Idaho.

SW. $\frac{1}{4}$ Sec. 21, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 345, made Mar. 26, 1902.

Cash Entry No. 1882, made June 20, 1902.

Final Proof submitted same date.

Patent dated Jan. 28, 1904, delivered to entryman, Feb. 12, 1904.

Not recorded.

Deed dated June 9, 1903, entryman to A. E. Palmer, consideration named \$1,000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, Feb. 18, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, Ery Wilmot and Patrick H. Downs.

Occupation of entryman—Miner—Age 30 years. Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John I. Wells.

Identified at Land Office by John I. Wells.

ALTHA GILLUM:

Boise, Idaho.

S. 1/2 NW. 1/4, S. 1/2 NE. 1/4, Sec. 25, T. 8 N., R. 5 E., B. M.

Sworn Statement No. 313, December 26, 1901.

Cash Entry No. 1941, July 18, 1902.

Final Proof submitted March 27, 1902.

Patent dated January 28, 1904. Patent delivered to John J. Blake, July 2, 1904 and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated July 31, 1902 (joint deed), entrywoman and husband, Mack Gillum to A. E. Palmer, consideration named \$2000. Deed recorded at request of W. E. Borah, June 27, 1904.

Deed is an exhibit with Mack Gillum testimony. Final proof witnesses, John I. Wells and Wilbert F. Wilmot.

Occupation of entrywoman—Housewife—Age 36 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication are in handwriting of John I. Wells.

THADDEUS M. GLASS:

Centerville, Idaho.

NE. $\frac{1}{4}$, Sec. 13, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 232, made Oct. 1, 1901.

Cash Entry No. 1995, made Aug. 2, 1902,

Final Proof submitted Dec. 13, 1901.

Patent dated Feb. 1, 1904, delivered to entryman Mar. 7, 1904. Recorded at request of Barber Lumber Co., Jan. 19, 1906.

Deed dated Sept. 3, 1902; Acknowledged Mar. 24, 1903; Norman H. Young, Notary; entryman and wife to A. E. Palmer, consideration named \$1000.00. Recorded at request of W. E. Borah, Feb. 29, 1904.

Deed is in handwriting of Norman H. Young.

Proof witnesses William D. Charters and John I. Wells.

Occupation—Engineer—Age 32 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication are in handwriting of entryman.

JAMES H. HAMILTON:

Boise, Idaho.

E. $\frac{1}{2}$ of NW. $\frac{1}{4}$; NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$; NW. $\frac{1}{4}$ of NE. $\frac{1}{4}$, Sec. 22, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 218, made Sept. 11, 1901.

Cash Entry No. 1986, made July 29, 1902.

Final Proof submitted Nov. 27, 1901.

Patent dated Feb. 1, 1904, delivered to J. J. Blake, July 2, 1904, Recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Feb. 12, 1903, entryman to A. E. Palmer. Consideration named, \$800.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 29, 1903.

Deed in handwriting of John Kinkaid.

Proof witnesses, William F. Snow and Patrick H. Downs.

Occupation of entryman—Farmer—Age 31 years.

Handwriting in filing papers unknown.

EARL A. HARRINGTON:

Boise, Idaho.

NE. $\frac{1}{4}$ NW. $\frac{1}{4}$, N. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 33; NW. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 24, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 857, made May 28, 1903.

Cash Entry No. 2538, made August 19, 1903.

Final proof submitted August 19, 1903.

Patent dated August 23, 1904. Patent delivered to John J. Blake, December 22, 1904 and recorded at request of Barber Lumber Company, February 17, 1905.

Deed dated September 10, 1903, entryman to Horace S. Rand; consideration named, \$800.00. Deed recorded at request of W. E. Borah, February 1, 1904. Deed is in handwriting of L. M. Pritchard.

Final proof witnesses, Elmer G. Dodds, and Rollin C. Lothrop.

Occupation of entryman, Mining—Age 23 years.
Sworn Statement, Non-mineral Affidavit and
Notice for Publication are in handwriting of
L. M. Pritchard.

ROBERT E. HEEL:

Huntington, Washington.
Lots 1, 2 and 3, Sec. 31, T. 6 N., R. 6 E., B. M.
Sworn Statement No. 503, August 12, 1902.
Cash Entry No. 2162, made November 12, 1902.
Final Proof submitted November 12, 1902.
Patent dated—No patent.
Deed dated November 20, 1902, entryman to A.
E. Palmer, consideration named \$950.00.
Deed recorded at request of Barber Lumber
Company, February 2, 1907. Deed is in hand-
writing of L. M. Pritchard.
Final proof witnesses, Albert B. Ewing and
George S. Warren.

Occupation—Railroad Employee—Age 28 years.
Sworn Statement, Non-mineral Affidavit and
Notice of Publication made out in handwrit-
ing of John I. Wells.

Entryman identified at United States Land Of-
fice by John I. Wells.

HORTENSE D. HORNER:

Boise, Idaho.

W. $\frac{1}{2}$ of NE. $\frac{1}{4}$; E. $\frac{1}{2}$ of NW. $\frac{1}{4}$, Sec. 22, T. 7
N., R. 7 E.

Sworn Statement No. 942, made July 10, 1903.
Cash Entry No. 2637, made Oct. 9, 1903.
Final Proof submitted same date.

Patent dated Sept. 9, 1904, delivered to J. J. Blake, Feb. 2, 1905.

Recorded at request of Barber Lumber Co., Feb. 6, 1905.

Deed dated Dec. 29, 1903 (Joint), Samuel S. Horner and Hortense D. Horner to Horace S. Rand, consideration named, \$1600.00 for both claims. John M. Hains, Notary. Recorded at request of W. E. Borah, July 1, 1904. Deed in files of Samuel S. Horner.

Deed in handwriting of John Kinkaid.

Proof witnesses, Willard C. Austin and Patrick H. Downs.

Occupation—Homekeeper—Age 32 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John Kinkaid.

SAMUEL S. HORNER:

Boise, Idaho.

W. $\frac{1}{2}$ of SW. $\frac{1}{4}$; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$; Sec. 26, NE. $\frac{1}{4}$ of SE. $\frac{1}{4}$, Sec. 27, T. 7 N., R. 7 E.

Sworn Statement No. 941, made July 10, 1903, Cash Entry No. 2636, made Oct. 9, 1903.

Final Proof submitted same date.

Patent dated July 9, 1904, delivered to J. J. Blake, Feb. 2, 1905, recorded at request of Barber Lumber Co., Feb. 5, 1905.

Deed dated Dec. 29, 1903 (joint), entryman and Hortense D. Horner, his wife, to Horace S. Rand, consideration named (2 claims) \$1600.-00. John M. Hains, Notary. Recorded at request of W. E. Borah, July 1, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, Willard C. Austin and Patrick H. Downs.

Occupation of entryman—Salesman & Co. Treas.

Age 37 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John Kinkaid.

HENRY HUMPHREY:

Boise, Idaho.

E. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 28, E. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 21, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 369, made April 29, 1902.

Cash Entry No. 1935, made July 17, 1902.

Final proof, July 17th, 1902.

Patent dated December 29, 1904, Patent delivered to John J. Blake, February 6, 1905, and recorded at request of Barber Lumber Company, February 9, 1905.

Deed dated November 12, 1903, entryman and wife to A. E. Palmer, consideration named, \$650. Deed recorded at request of W. E. Borah, June 27, 1904.

Deed is in handwriting of L. M. Pritchard.

Final proof witnesses, John W. Williams and Roy Dye.

Occupation of entryman—Real Estate—Age 62 years.

Filing papers are in handwriting of entryman.

KATE HUNTER:

Centerville, Idaho.

SW. $\frac{1}{4}$, Sec. 15, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 237, made Oct. 5, 1901.

Cash Entry No. 2021, made Aug. 19, 1902.

Final Proof submitted Dec. 19, 1901.

Patent not issued.

Deed dated Aug. 28, 1902, entrywoman to A. E. Palmer, consideration named \$975.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 27, 1904.

Deed in handwriting of L. M. Pritchard.

Proof witnesses John I. Wells and Norman H. Young.

Occupation—Boarding-house keeper—Age 63 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of Norman H. Young.

Identified at Land Office by Norman H. Young.

Did not prove up on date set—Unable to secure attendance of John I. Wells, one of her witnesses.

LUELLA JAYCOX:

Boise, Idaho.

Lots 4, 5, 6, and 7, Sec. 6, T. 6 N., R. 8 E., B. M.

Sworn Statement No. 962, made July 20, 1903.

Cash Entry No. 2654, made Oct. 16, 1903.

Final Proof submitted same date.

Patent dated Aug. 23, 1904, delivered to J. J. Blake, Dec. 20, 1904. Recorded at request of Barber Lumber Co., Feb. 6, 1905.

Joint deed dated Dec. 31, 1903, Orlin R. and Luella Jaycox to Horace S. Rand. Acknowl-

edged Jan. 22, 1904, Wm. R. Prinn, Notary.
Consideration named \$1600.00 (2 claims).
Recorded at request of W. E. Borah, July 1,
1904. See files Orlin R.

Deed in handwriting of John Kinkaid.

Proof witnesses Burt Resser and Edward A.
Lockhart.

Occupation—Housekeeper—Age 42 years.

Sworn Statement, Non-mineral Affidavit and
Notice for Publication in handwriting of
John Kinkaid.

ORLIN R. JAYCOX:

Boise, Idaho.

W. $\frac{1}{2}$ of NE. $\frac{1}{4}$, and E. $\frac{1}{2}$ of NW. $\frac{1}{4}$, Sec. 17,
T. 6 N., R. 8 E., B. M.

Sworn Statement No. 963, made July 20, 1903.

Cash Entry No. 2655, made Oct. 16, 1903.

Final Proof submitted same date.

Patent dated Aug. 23, 1904, delivered to J. J.
Blake, Dec. 20, 1904. Recorded at request of
Barber Lumber Co., Feb. 6, 1905.

Joint deed dated Dec. 31, 1903, entryman and
Luella Jaycox to Horace S. Rand. Consider-
ation named \$1600.00 (2 claims) Wm. R.
Prinn, Notary. Acknowledged Jan. 22, 1904.
Recorded at request of W. E. Borah, July 1,
1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, Burt Resser and Edward A.
Lockhart.

Occupation of entryman—Mining Operator—
Age 42 years.

Sworn Statement, Non-mineral affidavit and Notice for Publication are in handwriting of John Kinkaid.

OLIVER JOHNSON:

Minneapolis, Minnesota.

SW. $\frac{1}{4}$, Sec. 33, T. 7 N., R. 4 E., B. M.

Sworn Statement No. 628, September 25, 1902.

Cash Entry No. 2285, January 29, 1903.

Final proof submitted January 29, 1903.

Patent dated March 24, 1904, Patent delivered to John J. Blake, July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated June 17, 1903, entryman to A. E. Palmer, consideration named \$800. Deed recorded at request of W. E. Borah, June 27, 1904.

Final proof witnesses, Ole Hanson and Thomas Peterson.

Occupation of entryman—Engineer—Age 40 years.

Handwriting in Sworn Statement and other filing papers unknown.

WILLIAM JUDGE:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 29, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 340, made Mar. 25, 1902.

Cash Entry No. 1873, made June 18, 1902.

Final Proof submitted same date.

Patent dated Jan. 28, 1904, delivered July 2, 1904, to J. J. Blake. Recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated June 28, 1902, entryman to A. E. Palmer, consideration named \$1,000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of L. M. Pritchard.

Proof witnesses, Willis C. Lane and George Gibson.

Occupation of entryman—Farmer—Age, 31 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John I. Wells.

Entryman identified at Land Office by John I. Wells.

THOMAS F. KELLY:

Boise, Idaho.

SW. $\frac{1}{4}$, Sec. 10, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 549, made Sept. 4, 1902.

Cash Entry No. 2217, made Dec. 17, 1902.

Final Proof submitted same day.

Patent dated May 13, 1904, delivered to J. J. Blake, July 2, 1904. Recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Feb. 11, 1903, entryman to Horace S. Rand. Consideration named \$950.00. L. M. Pritchard, Notary. Deed recorded at request of W. E. Borah, June 23, 1904

Deed in handwriting of John Kinkaid.

Proof witnesses Burt Parker and Wm. E. Cavanaugh.

Occupation of entryman—Stone-cutter—Age 27 years.

Sworn Statement, Non-mineral Affidavit, and
Notice for Publication in handwriting of John
Kinkaid.

Did not prove up on date set—Mistake in date
—Proved up next day.

MOSES H. KEMPNER:

Idaho City, Idaho.

W. $\frac{1}{2}$ of NE. $\frac{1}{4}$; SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, Sec. 19 and
SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, Sec. 20, T. 7 N., R. 8 E.,
B. M.

Sworn Statement No. 669, made Oct. 17, 1902.

Cash Entry No. 2263, made Jan. 14, 1903.

Final Proof submitted same date.

Patent dated May 24, 1904, delivered to J. J.
Blake, July 2, 1904. Recorded at request of
Barber Lumber Co., Oct. 11, 1904.

Joint deed dated Feb. 12, 1903, entryman and
Annie E. Kempner to Horace S. Rand, con-
sideration named \$1600.00 (2 claims), L. M.
Pritchard, Notary. Deed recorded at request
of W. E. Borah, June 23, 1904. Deed in files
of Annie E. Kempner.

Proof witnesses John I. Wells and Patrick H.
Downs.

Occupation—Miner and Rancher—Age 64 years.

Sworn Statement, Non-mineral Affidavit and
Notice for Publication in handwriting of
John Kinkaid.

Identified at Land Office by John Kinkaid
(Atty.).

Did not prove up on date set—lack of funds.

MICHAEL KOPPAS:

Centerville, Idaho.

SE. $\frac{1}{4}$, Sec. 12, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 238, October 9, 1901.

Cash Entry No. 1994, August 2, 1902.

Final Proof submitted, December 19, 1901.

Patent dated February 1, 1904. Patent delivered to Michael Koppas, February 20, 1904, and recorded at his request, December 28, 1904.

Deed dated July 29, 1904, entryman to Barber Lumber Company, consideration named \$1,000. Deed recorded at request of the Barber Lumber Company, August 4, 1905.

Final proof witnesses, George M. Cutler and John I. Wells.

Occupation of entryman—Mining—Age 52 years.

Handwriting in entry papers not known.

BEULAH B. LAKE:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 8, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1343, June 8, 1904.

Cash Entry No. 3130, September 20, 1904.

Final proof, September 20, 1904.

Patent dated June 26, 1905. Patent delivered to Lyon Cobb, August 3, 1905, and recorded at request of Barber Lumber Company, August 5, 1905.

Deed dated September 30, 1904, entrywoman and husband W. R. Lake to Barber Lumber Company, consideration named \$800. Deed

recorded at request of Barber Lumber Company, October 3, 1904.

Final Proof witnesses Abbie M. Briggs and Curtis F. Pike.

Occupation of entrywoman—Housewife—Age 37 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of Milton G. Cage.

FRANK LANE:

Boise, Idaho.

E. $\frac{1}{2}$ NW. $\frac{1}{4}$, E. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 35, T. 8 N., R. 5 E., B. M.

Sworn Statement No. 354, April 4, 1902.

Cash Entry No. 1899, July 7, 1902.

Final proof, July 7, 1902.

Patent dated January 28, 1904. Patent delivered to John J. Blake, July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated March 14, 1903, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah, February 17, 1904.

Deed is in handwriting of John Kinkaid.

Final proof witnesses, John I. Wells and Patrick H. Downs.

Occupation of entryman—Mining Laborer—Age 33 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication made out by John I. Wells.

GERTRUDE LEWIN:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 28, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 371, made Apr. 30, 1902.

Cash Entry No. 1938, made July 18, 1902.

Final Proof submitted same date.

Patent dated Mar. 18, 1905, delivered to L. G.

Chapman, June 9, 1905. Recorded at request of Barber Lumber Co., June 10, 1905.

Joint deed entryman and Wm. H. Lewin to A.

E. Palmer, dated July 15, 1903. (Date has been changed in deed.) Acknowledged at

Comstock, Neb., W. H. Comstock, Notary.

Consideration in deed \$2000.00 (2 claims).

Recorded at request of W. E. Borah, Feb. 29, 1904. Deed in files of Wm. H. Lewin.

Deed in handwriting of John Kinkaid.

Proof witnesses, John I. Wells and Henry Humphrey.

Occupation—Housekeeper—Age 26 years.

Handwriting in filing papers unknown.

WILLIAM H. LEWIN:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 32, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 350, made Mar. 28, 1902.

Cash Entry No. 1893, made June 25, 1902.

Final Proof submitted same date.

Patent dated Jan. 28, 1904, delivered to J. J.

Blake, July 2, 1904. Recorded at request of Barber Lumber Company, Oct. 11, 1904.

Joint deed, entryman and Gertrude Lewin to

A. E. Palmer, dated July 15, 1903. (Date has

been changed in deed.) Acknowledged at Comstock, Neb., W. H. Comstock, Notary. Consideration named \$2000.00 (2 claims). Recorded at request of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, Edward E. Butler and Charley Patterson.

Occupation of entryman—Farmer—Age 42 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in the handwriting of John I. Wells.

Identified at Land Office by John I. Wells.

URIAH F. McBURNEY:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 11, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 303, made December 23, 1901.

Cash Entry No. 1989, made August 1, 1902.

Final Proof submitted, March 13, 1902.

Patent dated February 1, 1904. Patent delivered to John J. Blake, July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated April 7, 1903, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah, February 29, 1904.

Deed is in handwriting of John Kinkaid.

Final proof witnesses, Martin S. Stephenson and Arthur E. Brookhart.

Occupation of entryman—Teamster—Age 30 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication made out by John I. Wells.

SAMUEL MARCUM:

Boise, Idaho.

S. $\frac{1}{2}$ of SE. $\frac{1}{4}$, Sec. 7.

S. $\frac{1}{2}$ of SW. $\frac{1}{4}$, Sec. 8, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 333, made Mar. 22, 1902.

Cash Entry No. 1834, made June 12, 1902.

Final Proof submitted same date.

Patent dated Jan. 28, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated June 28, 1902, entryman to A. E. Palmer, consideration named \$1000.00. L. M. Pritchard, Notary. Deed recorded at request of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of L. M. Pritchard.

Proof witnesses, Homer G. Allen and Ery A. Wilmot.

Occupation of entryman—Farmer—Age 36 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John I. Wells.

WILLIAM J. MARCUM:

Boise, Idaho.

Lot 4; SW. $\frac{1}{4}$ of NW. $\frac{1}{4}$, Sec. 4, T. 7 N., R. 5 E.
and S. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 33, T. 8 N., R. 5 E.,
B. M.

Sworn Statement No. 361, made Apr. 18, 1902.

Cash Entry No. 1905, made July 9, 1902.

Final Proof submitted same date.

Patent dated Jan. 28, 1904, delivered to J. J.

Blake, July 2, 1904, recorded at request of

Barber Lumber Co., Oct. 11, 1904.

Deed dated July 9, 1902, entryman to A. E. Pal-

mer, consideration named \$1000.00. L. M.

Pritchard, Notary. Deed recorded at request

of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of L. M. Pritchard.

Proof witnesses, Carl J. Peterson and John H.

Byro.

Occupation of entryman—Farmer—Age 30

years.

Sworn Statement, Non-mineral Affidavit and

Notice for Publication in handwriting of

John I. Wells.

Identified at Land Office by John I. Wells.

FRANK B. NICKERSON:

Gardner City, Minnesota.

E. $\frac{1}{2}$ NW. $\frac{1}{4}$, NW. $\frac{1}{4}$ NE. $\frac{1}{4}$, Lot 1, Sec. 30, T.

7 N., R. 5 E., B. M.

Sworn Statement No. 241, October 19, 1901.

Cash Entry No. 1814, made May 5, 1902.

Final proof submitted January 7th, 1902.

Patent dated October 28, 1902. Patent deliv-

ered to Frank B. Nickerson, December 19,

1902.

No record of patent.

Deed dated June 3, 1903, entryman to A. E. Pal-

mer, consideration named \$800. Deed re-

vs. The Barber Lumber Company. 5373

recorded at request of W. E. Borah, June 27,
1904.

Final proof witnesses, Patrick H. Downs and
Nellie J. Thompson.

Occupation of entryman—Farmer—Age 38
years.

Filing papers made out by entryman.

CHARLES NELSON:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 23, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 260, made Nov. 1, 1901.

Cash Entry No. 2011, made Aug. 6, 1902.

Final Proof submitted, Jan. 28, 1902.

Patent dated Feb. 1, 1904, recorded at request
of Barber Lumber Co., Oct. 11, 1904.

Deed dated Mar. 19, 1903, entryman to A. E.
Palmer, consideration named \$1000.00. L. M.
Pritchard, Notary. Deed recorded at request
of W. E. Borah, July 10, 1903.

Deed in handwriting of John Kinkaid.

Proof witnesses, Gustav A. Link and John I.
Wells.

Occupation of entryman—Blacksmith—Age 37
years.

Handwriting in filing papers unknown.

HARRY B. NOBLE:

Boise, Idaho.

SW. $\frac{1}{4}$, Sec. 28, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1058, made September 14,
1903.

Cash Entry No. 2802, December 24, 1903.

Final proof, December 24, 1903.

Patent dated December 1, 1904. Patent delivered to John J. Blake, February 1, 1905, and recorded at request of Barber Lumber Company, February 6, 1905.

Deed dated February 4, 1904, entryman to George S. Long, consideration named \$800. Deed recorded at request of W. E. Borah, July 1, 1904. Deed made out by John Kinkaid.

Final proof witnesses, John K. Woodburn and Lorin T. Kinert.

Occupation of entryman—Student—Age 21 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication made out by John Kinkaid.

WILLIAM F. NOBLE:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 21, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 627, made Sept. 25, 1902.

Cash Entry No. 2287, made Jan. 29, 1903.

Final proof submitted same date.

Patent dated Mar. 24, 1904, delivered to entryman, July 2, 1904, recorded at request of W. E. Borah, July 1, 1904.

Deed dated Feb. 13, 1903, entryman to Horace S. Rand, consideration named \$900.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, John I. Wells and George W. Butler.

Occupation of entryman—Miner—Age 25 years.

Sworn Statement, Non-mineral Affidavit and
Notice for Publication in handwriting of John
Kinkaid.

JENS OLSEN:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 25, T. 7 N., R. 7 E., B. M.

Sworn Statement No. 521, made Aug. 27, 1902.

Cash Entry No. 2176, made Nov. 21, 1902.

Final Proof submitted same date.

Patent dated Feb. 10, 1905, delivered to L. G.

Chapman, June 9, 1905, recorded at request
of Barber Lumber Co., June 10, 1905.

Deed dated Dec. 6, 1902, entryman to A. E.

Palmer, consideration \$800.00. Wm. R.

Prinn, Notary. Recorded at request of W.

E. Borah, July 1, 1904.

Handwriting in deed unknown.

Proof witnesses, William Humphrey and John
Christenson.

Sworn Statement, Non-mineral Affidavit and

Notice for Publication in handwriting of
John I. Wells.

Identified at Land Office by John I. Wells.

Did not prove up on date set—claims made mis-
take in date. Proved up one day later.

AARON OWNBEY:

Boise, Idaho.

S. $\frac{1}{2}$ of SE. $\frac{1}{4}$, E. $\frac{1}{2}$ of SW. $\frac{1}{4}$, Sec. 9, T. 7 N.,
R. 8 E.

Sworn Statement No. 558, made Sept. 6, 1902.

Cash Entry No. 2223, made Dec. 18, 1902.

Final proof submitted same date.

Patent dated May 13, 1904, delivered to J. J. Blake, July 7, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Jan. 29, 1903, entryman to Frank Steunenberg, consideration named \$950.00. Walter S. Walker, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed has not been in possession of the Government.

Proof witnesses, E. H. Starn and P. H. Downs. Occupation of entryman—Farmer—Age 26 years.

Handwriting in filing papers unknown.

HARRISON OWNBEY:

Boise, Idaho.

SW. $1\frac{1}{2}$, Sec. 13, T. 7 N., R. 7 E., B. M.

Sworn Statement No. 543, made Aug. 30, 1902.

Cash Entry No. 2210, made Dec. 11, 1902.

Final Proof submitted same date.

Patent dated May 13, 1904, delivered to J. J. Blake, July 2, 1904. Recorded at request of Barber Lumber Company, July 2, 1904.

Deed dated Feb. 19, 1903 (Date has been changed), entryman and Margaret J. Ownbey, his wife, to Horace S. Rand, consideration named \$800.00. Acknowledged at Sevier, Tenn., J. P. Price, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed in same handwriting as filing papers, probably Worthman.

Proof witnesses, Patrick H. Downs and James Ownbey.

Occupation of entryman—Farmer—Age 30 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication probably in handwriting of Worthman.

JAMES OWNBEY:

Halfway House, Boise County, Idaho.

NE. $\frac{1}{4}$, Sec. 13, T. 7 N., R. 7 E., B. M.

Sworn Statement No. 542, made Aug. 30, 1902.

Cash Entry No. 2211, made Dec. 11, 1902.

Final Proof submitted same date.

Patent dated May 3, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Feb. 11, 1903, entryman to Horace S. Rand, consideration named \$950.00. Walter S. Walker, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed prepared by John Kinkaid and Walter S. Walker.

Proof witnesses, Patrick H. Downs and Harrison Ownbey.

Occupation of entryman—Farmer—Age 62 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication probably in handwriting of Harry Worthman.

JOHN J. PAWLEY:

Boise, Idaho.

E. $\frac{1}{2}$ of SE. $\frac{1}{4}$, Sec. 32, W. $\frac{1}{2}$ of SW. $\frac{1}{4}$, Sec. 33, T. 6 N., R. 8 E., B. M.

Sworn Statement No. 994, made Aug. 11, 1903.

Cash Entry No. 2696, made Nov. 10, 1903.

Final Proof submitted same date.

Patent dated Sept. 9, 1904, delivered to J. J. Blake, Dec. 22, 1904, recorded at request of Barber Lumber Co., Feb. 6, 1905.

Deed dated Nov. 21, 1903, entryman to Horace S. Rand, consideration named \$800.00. John M. Haines, Notary. Recorded at request of W. E. Borah, July 1, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses, Hiram Maynard and Samuel E. Vance.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John Kinkaid.

LOUIS M. PRITCHARD:

Boise, Idaho.

NW. $\frac{1}{4}$, Sec. 20, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 330, made Mar. 21, 1902.

Cash Entry No. 1841, made June 13, 1902.

Final Proof submitted June 11, 1902.

Patent dated Jan. 28, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Mar. 19, 1903, entryman to A. E. Palmer, consideration named \$1000.00 Benj. H. McGrew, Notary. Recorded at request of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses Patrick H. Downs and George H. Ensworth.

Sworn Statement, Non-mineral Affidavit and

Notice for Publication in handwriting of entryman.

BURT RESSER:

Idaho City, Idaho.

Lots 3 and 4, S. $\frac{1}{2}$ of NW. $\frac{1}{4}$, Sec. 1, T. 6 N., R 7 E., B. M.

Sworn Statement No. 971, made July 24, 1903.

Cash Entry No. 2656, made Oct. 16, 1903.

Final Proof submitted same date.

Patent dated Aug. 23, 1904, delivered to J. J. Blake, Dec. 20, 1904, recorded at request of Barber Lumber Co., Feb. 6, 1905.

Deed dated Nov. 4, 1903, entryman and Edith Resser, his wife, to Horace S. Rand, consideration named \$800.00. L. M. Pritchard, Notary, recorded at request of W. E. Borah, July 1, 1904.

Acknowledgment of Edith Resser does not appear on deed.

Deed in handwriting of John Kinkaid.

Proof witnesses E. A. Lockhart and Orlin R. Jaycox.

Occupation of entryman—Attorney at law—Age 30 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of entryman.

HENRY RICS:

Boise, Idaho.

E. $\frac{1}{2}$ SW. $\frac{1}{4}$; Lots 6 and 7, Sec. 6, T. 7 N., R. 6 E., B. M.

Sworn Statement No. 314, made Dec. 26, 1901.

Cash Entry No. 1988, made Aug. 1, 1902.

Final Proof submitted Mar. 28, 1902.

Patent dated Feb. 1, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Mar. 19, 1903, entryman to A. E. Palmer, consideration named \$1000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, July 10, 1903.

Deed in handwriting of Kinkaid.

Proof witnesses John I. Wells and Patrick H. Downs.

Occupation of entryman—Miner—Age 72 years. Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John I. Wells.

Did not prove up on date set—could not get his witnesses.

WILLIAM F. ROBERTS:

Boise, Idaho.

NW. $\frac{1}{4}$, Sec. 25, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 307, made Dec. 24, 1901.

Cash Entry No. 1947, made July 18, 1902.

Final Proof submitted Mar. 20, 1902.

Patent dated Feb. 1, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Mar. 17, 1903, entryman to A. E. Palmer, consideration named \$1000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, Jan. 29, 1903.

Deed in handwriting of John Kinkaid.

Proof witnesses James O. Baker and Arthur E. Brookhart.

Occupation of entryman—Stone cutter—Age 23 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John I. Wells.

Did not prove up on date set—no funds.

JOHN W. ROSE:

Boise, Idaho.

Lots 1 and 2; S. $\frac{1}{2}$ of NE. $\frac{1}{4}$, Sec. 1, T. 6 N., R. 7 E., B. M.

Sworn Statement No. 592, made Sept. 16, 1902.

Cash Entry No. 2275, made Jan. 23, 1903.

Final Proof submitted same date.

Patent dated Mar. 24, 1904, delivered to J. J. Blake, Aug. 16, 1904, recorded at request of Barber Lumber Company, Oct. 11, 1904.

Deed dated Feb. 6, 1903, entryman to A. E. Palmer, consideration named \$950.00. Walter S. Walker, Notary. Recorded at request of W. E. Borah, July 1, 1904.

Deed in handwriting of Kinkaid.

Proof witnesses Andrew Hanson and Frank R. McDonald.

Occupation of entryman—Sheepman—Age 55 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John Kinkaid.

Did not prove up on date set—Lack of funds.

GUSTAVE H. ROTHINE:

Boise, Idaho.

S. $\frac{1}{2}$ of SW. $\frac{1}{4}$; and S. $\frac{1}{2}$ of SE. $\frac{1}{4}$, Sec. 5, T. 7
N., R. 5 E.

Sworn Statement No. 279, made Nov. 26, 1901.

Cash Entry No. 1920, made July 14, 1902.

Final Proof submitted Feb. 14, 1902.

Patent dated Jan. 28, 1904, delivered to J. J.
Blake, July 2, 1904, recorded at request of Bar-
ber Lumber Co., Oct. 11, 1904.

Deed dated July 14, 1902, entryman to A. E.
Palmer, consideration named \$1000.00. L.
M. Pritchard, Notary. Recorded at request of
W. E. Borah, June 29, 1903.

Deed in handwriting of John Kinkaid.

Proof witnesses Henry F. Benedix and Charles
A. Walker.

Occupation of entryman—Trained Nurse—Age
28 years.

Handwriting in filing papers unknown.

WILLIAM F. SNOW:

Boise, Idaho.

W. $\frac{1}{2}$ of NW. $\frac{1}{4}$; W. $\frac{1}{2}$ of SW. $\frac{1}{4}$, Sec. 22, T. 7
N., R. 5 E., B. M.

Sworn Statement No. 215, made Sept. 10, 1901.

Cash Entry No. 2123, made Oct. 14, 1902.

Final Proof submitted Nov. 30, 1901.

Patent dated Feb. 1, 1904, delivered to J. J.
Blake July 2, 1904, recorded at request of
Barber Lumber Co., Oct. 11, 1904.

Deed dated Oct. 20, 1902, entryman to A. E.
Palmer, consideration named \$1000.00. G. A.

vs. The Barber Lumber Company. 5383

Will, Notary. Acknowledged in Minneapolis, Minnesota. Recorded at request of W. E. Borah, July 29, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses Jas. Hamilton and Patrick H. Downs.

Occupation of entryman—Woodsman—Age 26 years.

Sworn Statement, Non-mineral Affidavit and Notice of Publication in handwriting of entryman.

Did not prove up on date set,—no funds.

LETTIE L. STEPHENSON:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 34, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 304, made Dec. 24, 1901.

Cash Entry No. 1944, made July 18, 1902.

Final Proof submitted Mar. 13, 1902.

Patent dated Mar. 17, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Sept. 15, 1903 (joint), Martin S. Stephenson and Lettie L. Stephenson, to A. E. Palmer, consideration named (2 claims) \$2,000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 27, 1904.

Deed is in handwriting of John Kinkaid.

Proof witnesses Arthur E. Brookhart and Uriah Frederick McBurney.

Occupation—Housewife—Age 29 years.

Sworn Statement, Non-mineral Affidavit, and

Notice for Publication in handwriting of John I. Wells.

MARTIN S. STEPHENSON:

Boise, Idaho.

E. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 33, and W. $\frac{1}{2}$ of NW. $\frac{1}{4}$, Sec. 34, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 305, made Dec. 24, 1901.

Cash Entry No. 1945, made July 18, 1902.

Final Proof submitted Mar. 14, 1902.

Patent dated Mar. 17, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Sept. 15, 1903 (joint), entryman and Lettie L. Stephenson to A. E. Palmer, consideration named (2 claims) \$2,000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 27, 1904.

Deed is in handwriting of John Kinkaid.

Proof witnesses Arthur E. Brookhart and Uriah Frederick McBurney.

Occupation of entryman—Teamster—Age 33 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John I. Wells.

DAVID G. THOMPSON:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 26, T. 8 N., R. 5 E., B. M.

Sworn Statement No. 681, made Nov. 5, 1902.

Cash Entry No. 2,324, made Feb. 25, 1903.

Final Proof submitted same date.

Patent dated July 2, 1904, delivered to J. J.

vs. The Barber Lumber Company. 5385

Blake, Sept. 9, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Mar. 6, 1903, entryman to A. E. Palmer, consideration named \$1000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 27, 1904.

Deed in handwriting of L. M. Pritchard.

Proof witnesses, William H. Humphrey and James O'Brien.

Occupation of entryman—Barber—Age 31 years.

Handwriting in entry papers unknown.

CHARLES A. WALKER:

Boise, Idaho.

N. $\frac{1}{2}$ of NW. $\frac{1}{4}$, and N. $\frac{1}{2}$ of NE. $\frac{1}{4}$, Sec. 8, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 286, made Dec. 7, 1901.

Cash Entry No. 1949, made July 18, 1902.

Final Proof submitted Feb. 20, 1902.

Patent dated Feb. 1, 1904, delivered to J. J. Blake, July 2, 1904. Recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Aug. 12, 1902, entrymen to A. E. Palmer, consideration named \$800.00. Joseph M. Healy, Notary. (Acknowledged at Portland, Ore.) Recorded at request of W. E. Borah, Feb. 29, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses Gustave H. Rothine and Henry F. Benedix.

Occupation of entryman—Trained nurse—Age 27 years.

Sworn Statement, Non-mineral Affidavit, and Notice of Publication in handwriting of entryman.

GEORGE S. WARREN:

Boise, Idaho.

E. $\frac{1}{2}$ NW. $\frac{1}{4}$, E. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 32, T. 6 N., R. 6 E., B. M.

Sworn Statement No. 500, made August 11, 1902.

Cash Entry No. 2160 made November 11, 1902.

Final Proof submitted November 11, 1902.

Patent dated July 2, 1904. Patent delivered to John J. Blake, September 20, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated March 23, 1903, entryman to A. E. Palmer, consideration named \$925. Deed recorded at request of W. E. Borah, October 5, 1903. Deed is in handwriting of John Kincaid.

Final proof witnesses, Albert B. Ewing and Robert E. Heel.

Occupation of entryman—Groceryman—Age 66 years.

Sworn Statement, Non-mineral Affidavit and Notice of Publication are in handwriting of John I. Wells.

JOHN W. WILLIAMS:

Boise, Idaho.

E. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 22; S. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 23, T. 7 N., R. 5 E., B. M.

Sworn Statement, No. 368, made April 29, 1902.

Cash Entry No. 1934, made July 17, 1902.

Final Proof submitted July 17, 1902.

No Patent.

Deed dated July 18, 1902, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah, June 27, 1904. Deed is in handwriting of L. M. Pritchard.

Final Proof witnesses, Henry Humphrey and Roy Dye.

Occupation of entryman—Carpenter—Age 38 years.

Handwriting in entry papers unknown.

ELIZABETH WILLHITE:

Boise, Idaho.

NE. $\frac{1}{4}$, Sec. 31, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 626, made Sept. 24, 1902.

Cash Entry No. 2282, made Jan. 27, 1903.

Final Proof submitted same date.

Patent dated May 24, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Company, Oct. 11, 1904.

Deed dated Feb. 14, 1903 (joint), General F. Willhite and Elizabeth Willhite, husband and wife, to Horace S. Rand, consideration named (2 claims) \$1600.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed is in handwriting of John Kinkaid.

Proof witnesses, Maude Payne and John Payne.

Occupation—Housekeeper—Age 35 years.

Sworn Statement, Non-mineral Affidavit, and

Notice for Publication in handwriting of
John Kinkaid.

Deed filed with entry papers of General F. Willhite.

GENERAL F. WILLHITE:

Boise, Idaho.

SW. $\frac{1}{4}$, Sec. 32, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 625, made Sept. 24, 1902.

Cash Entry No. 2281, made Jan. 27, 1903.

Final Proof submitted same date.

Patent dated May 24, 1904, delivered to J. J. Blake, July 2, 1904, recorded at request of Barber Lumber Company, Oct. 11, 1904.

Deed dated Feb. 14, 1903 (joint) entryman and Elizabeth Willhite, his wife, to Horace S. Rand, consideration named (2 claims) \$1600.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, June 23, 1904.

Deed is in handwriting of John Kinkaid.

Proof witnesses Maude Payne and John Payne.

Occupation of entryman—Miner and mining—
Age 36 years.

Sworn Statement, Non-mineral Affidavit and
Notice for Publication in handwriting of John
Kinkaid.

WILBERT F. WILMOT:

Boise, Idaho.

Lots 3, 4, 5, and SE. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 6, T. 7 N.,
R. 6 E., B. M.

Sworn Statement No. 308, made December 26,
1901.

Cash Entry No. 1943, made July 18, 1902.

Final Proof submitted March 19, 1902.

Patent dated January 28, 1904. Patent delivered to John J. Blake, July 2, 1904, and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated June 24, 1903, entryman and wife to A. E. Palmer, consideration named \$1000.

Deed recorded at request of W. E. Borah February 29, 1904.

Deed is in handwriting of John Kinkaid.

Date in deed is in different handwriting.

Final proof witnesses, William J. Wills and Henry Rics.

Occupation of entryman—Farmer—Age 70 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of John Kinkaid.

LENA D. WILSON:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 32, T. 7 N., R. 8 W., B. M.

Sworn Statement No. 646, made Oct. 2, 1902.

Cash Entry No. 2353, made Mar. 20, 1903.

Final Proof submitted same date.

Patent dated Aug. 23, 1904, delivered to J. J. Blake, Dec. 22, 1902, recorded at request of Barber Lumber Co., Feb. 6, 1905.

Deed dated Mar. 26, 1903 (joint), Walter L. Wilson and Lena D. Wilson, to Horace S. Rand, consideration named (2 claims) \$1,700.00 L. M. Pritchard, Notary. Recorded at request of W. E. Borah, July 1, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses Sonora A. Joplin and Patrick H. Downs.

Occupation—School teacher—Age 24 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication in handwriting of L. M. Pritchard.

WALTER L. WILSON:

Boise, Idaho.

Lots 1 and 2; E. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 31, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 647, made Oct. 2, 1902.

Cash Entry No. 2354, made Mar. 20, 1903.

Final Proof submitted same date.

Patent dated June 10, 1904, delivered to J. J. Blake, Aug. 16, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated Mar. 26, 1903 (joint), entryman and Lena D. Wilson to Horace S. Rand, consideration named (2 claims) \$1700.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, July 1, 1904.

Deed is in handwriting of John Kinkaid.

Proof witnesses, Sonora A. Joplin and Patrick H. Downs.

Occupation of entryman—Teamster—Age 26 years.

Handwriting in entry papers, L. M. Pritchard.

Deed in files of Lena D. Wilson.

DANIEL P. WOODMORE:

Boise, Idaho.

SE. $\frac{1}{4}$, Sec. 35, T. 7 N., R. 5 E., B. M.

Sworn Statement No. 337, made March 24, 1902.

Cash Entry No. 1871, made June 17, 1902.

Final Proof submitted June 17, 1902.

Patent dated January 28, 1904. Patent delivered to John J. Blake and recorded at request of Barber Lumber Company, October 11, 1904.

Deed dated March 23, 1903, entryman to A. E. Palmer, consideration named \$1000. Deed recorded at request of W. E. Borah, July 10, 1903. Deed is in handwriting of L. M. Pritchard.

Final proof witnesses, Clifford Gibson and George Gibson.

Occupation of entryman—Logger—Age 28 years.

Sworn Statement, Non-mineral Affidavit and Notice for Publication are in handwriting of John Kinkaid.

GEORGE M. YORK:

Boise, Idaho.

Lots 1, 2, 3, & 4; Sec. 30, T. 7 N., R. 8 E., B. M.

Sworn Statement No. 805, made Apr. 22, 1903.

Cash Entry No. 2480, made July 20, 1903.

Final Proof submitted same date.

Patent dated July 26, 1904, delivered to J. J. Blake, Sep. 20, 1904, recorded at request of Barber Lumber Co., Oct. 11, 1904.

Deed dated July 31, 1903, entryman to Horace S. Rand, consideration named \$1,000.00. L. M. Pritchard, Notary. Recorded at request of W. E. Borah, July 1, 1904.

Deed in handwriting of John Kinkaid.

Proof witnesses George Butler and Edgar E. Bush.

Occupation of entryman—Laborer and Teamster—Age 23 years.

Sworn Statement, Non-mineral Affidavit, and Notice for Publication in handwriting of John Kinkaid.

Did not prove up on day set—did not have the money.

ANNA FISHER:

Boise, Idaho.

E. $\frac{1}{2}$ SE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ NE. $\frac{1}{4}$,
Sec. 12, T. 6 N., R. 4 E., B. M.

Sworn Statement No. 1040, made September 14, 1903.

Cash Entry No. 2767, made December 11, 1903.

Final Proof submitted December 11, 1903.

Patent dated December 1, 1904, Patent delivered to John J. Blake, February 1, 1905, and recorded at request of Barber Lumber Company, February 6, 1905.

Deed dated February 29, 1904, entrywoman and husband to George S. Long, consideration named \$1,000. Deed recorded at request of W. E. Borah, July 1, 1904.

Occupation of entrywoman—Housewife—Age 36 years.

Witnesses to final proof, Joseph Penrod and Thomas L. Martin.

Papers in handwriting of H. L. Fisher, husband of entrywoman.

VICTORIA L. EOFF:

Boise, Idaho.

W. $\frac{1}{2}$ SE. $\frac{1}{4}$, SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 8; NE. $\frac{1}{4}$

NE. $\frac{1}{4}$, Sec. 17, T. 6 N., R. 6 E. B. M.

Sworn Statement No. 1398, made July 12, 1904.

Cash Entry No. 3181, made October 25, 1904.

Final proof submitted October 25, 1904.

Patent dated May 5, 1905. Patent delivered to entrywoman, June 13, 1905.

Deed dated September 2, 1905, entrywoman to Barber Lumber Co.

Deed recorded at request of Barber Lumber Company, September 4, 1905.

Sworn Statement, Non-mineral Affidavit and Notice for Publication are in handwriting of L. M. Pritchard.

Occupation of entrywoman—Housewife—Age, 45 years.

Proof witnesses, Gertrude L. Hays, and Sidney Smith.

Filed March 11, 1909. A. L. Richardson, Clerk.

Plaintiff's Exhibits Nos. 154 to 154M.

Plaintiff's Exhibit No. 154A.

DEAN WEST: Residence, Boise, Idaho; occupation, carpenter.

Sworn Statement 248, Dated Oct. 26, 1901, for entry of South One-half of the Southeast Quarter Section 28 and South One-half of the Southwest Quarter, Section 27, Tp. 7, North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 154B.

Testimony of Dean West, at final proof, dated Jan. 16, 1902.

Plaintiff's Exhibit No. 154C.

ANSWERS of Dean West to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. I worked for part of it and part of it I got from sale of a $\frac{1}{3}$ interest in a mining property. Since Oct. 5, 1901, some I had before that.

Answer to Question 18. No, sir, I keep my money at home, except what I have loaned out.

Plaintiff's Exhibit No. 154D.

Receiver's Receipt, No. 1903, dated July 9, 1902.

Plaintiff's Exhibit No. 154E.

Final Certificate No. 1903, dated July 9, 1902.

Plaintiff's Exhibit No. 154F.

Certified Copy of Patent, Dated Jan. 28th, 1904. for land described in Exhibit 154A.

Plaintiff's Exhibit No. 154G.

Cross-examination of witness, John Keane, on final proof.

Plaintiff's Exhibit No. 154H.

Testimony of witness, John Keane, on final proof.

Plaintiff's Exhibit No. 154I.

Report of Register and Receiver, in re report entry of Dean West.

Plaintiff's Exhibit No. 154J.

Notice for Publication, witness for final proof, Sam Dye, Henry Snow, John Keane, and John I. Wells.

Plaintiff's Exhibit No. 154K.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 154L.

Cross-examination of witness, Samuel Dye.

Plaintiff's Exhibit No. 154M.

Testimony of witness, Samuel Dye.

Plaintiff's Exhibits Nos. 154A to 154X.

Plaintiff's Exhibit No. 154A.

ABLE E. HUNTER: Residence, Centerville, Idaho; occupation, miner.

Sworn Statement No. 227, dated and filed Sept. 25, 1901, for entry of Southeast Quarter of Section 14, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 154B.

AFFIDAVIT OF ABLE E. HUNTER IN RE
POSTPONEMENT DATE OF MAKING
FINAL PROOF.

“DEPARTMENT OF THE INTERIOR,
United States Land Office,

Boise, Idaho, December 10, 1901.

Able E. Hunter, being first duly sworn, deposes and says that he is the identical Able E. Hunter who is an applicant under Timber and Stone Sworn Statement No. 227, made at this office September 25, 1901, for SE. $\frac{1}{4}$, Sec. 14, Tp. 7 N. R. 5 E. on which final proof was advertised to be made December 5,

1901; that he was unable to appear and make proof on said day nor before this 10th day of December, 1901, because the money with which he intended to make payment for this land was not at hand and he could not get it into his possession until this 10th day of December, 1901.

ABLE E. HUNTER.

Subscribed and sworn to before me this 10th day of December, 1901.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 154C.

ANSWERS Given by Able E. Hunter, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16: Yes, sir, I do.

Answer to Question 17: I have worked for it, have had it for a year.

Answer to Question 18: No, sir. Have no Bank near.

Plaintiff's Exhibit No. 154D.

Testimony of Able E. Hunter, on final proof.
Dated December 10, 1901.

Plaintiff's Exhibit No. 154E.

Receiver's Receipt No. 1984, dated July 29, 1902.

Plaintiff's Exhibit No. 154F.

Final Certificate No. 1984, dated July 29, 1902.

Plaintiff's Exhibit No. 154G.

Power of Attorney to Harry S. Worthman, executed by H. H. Wells.

“DEPARTMENT OF THE INTERIOR,

United States Land Office,

At Boise, Idaho.

In the Matter of the Application of HARVEY H. WELLS to Purchase the SW. $\frac{1}{4}$, Sec. 14, Twp. 7 N. R. 5 E., B. M. Under His Timber and Stone Sworn Statement No. —.

Comes now the above named applicant and appoints Harry S. Worthman of Boise, Ada County, Idaho, as his attorney and counsel to appear for him and represent him in any and all matters in any way connected with the above entitled cause.

H. H. WELLS.”

Plaintiff's Exhibit No. 154H.

Notice for Publication; witnesses for final proof, James Ball, Harvey H. Wells, John I. Wells and Homer C. Granger.

Plaintiff's Exhibit No. 154I.

Certificate of Register and Receiver in re Postponement of date for making proof.

Plaintiff's Exhibit No. 154J. Able Hunter.

LETTER from Able Hunter to Commissioner G. L. O. dated Centerville, Idaho, March 2, 1905, requesting repayment of deposit in payment for land for issuance of patent.

“Centerville, Idaho, March 2nd, 1905.

To the

Hon. Commissioner

of Gen'l. Land Office,

Washington, D. C.

Sir:—I have final receipt from Receiver of Boise,

Idaho, T. & S. No. 227, for the SE. $\frac{1}{4}$ of section 14, Tp. 7 R. 5 E., B. Meridian, which is on appeal from Boise Land Office.

Now I took this timber up in good faith and can not go to the cost of having a hearing on the appeal.

What I wish to know is can my deposit for land be returned me or a patent issued.

Any suggestion you can make will be duly appreciated.

Your obt. servant,

ABLE E. HUNTER."

Plaintiff's Exhibit No. 154K.

Cross-examination of witness, James T. Ball, on final proof.

Plaintiff's Exhibit No. 154M.

Testimony of witness, James T. Ball, on final proof.

Plaintiff's Exhibit No. 154L.

Cross-examination of witness, Harvey H. Wells, on final proof.

Plaintiff's Exhibit No. 154N.

Testimony of witness, Harvey H. Wells, on final proof.

Plaintiff's Exhibit No. 154O.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 154P.

Letter from Edward E. Garrett, Receiver to Commissioner of the G. L. O., transmitting testimony and papers in contest case of U. S. vs. Able E. Hunter.

Plaintiff's Exhibit No. 154Q.

Letter from Edward E. Garrett, Receiver to

Commissioner, G. L. O., transmitting appeal in matter of contest vs. Harvey H. Wells (United States vs. Harvey H. Wells).

Plaintiff's Exhibit No. 154R.

NON-ALIENATION AFFIDAVIT OF ABLE E. HUNTER.

“In the United States Land Office,
At Boise, Idaho.

State of Idaho,
County of Ada,—ss.

Able E. Hunter of lawful age being first duly sworn on his oath deposes and says:

That he is the identical person who on the 10th day of December, A. D. 1901, made final proof upon and tendered payment under his Timber and Stone Sworn Statement No. 227 at the United States Land Office at Boise, Idaho, for the SE. $\frac{1}{4}$ of Sec. 14, Twp. 7, N., of R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon or any part thereof to any person or persons, corporation or association or persons.

That he has not directly or indirectly alienated or agreed to alienate his right title or interest in said land or the timber thereon since making said proof or at all.

ABLE E. HUNTER.

Subscribed and sworn to before me this 20th day of July, A. D. 1902.

[Seal]

L. M. PRITCHARD,
Notary Public.

Plaintiff's Exhibit No. 154S.

Letter from Edward E. Garrett, Receiver, to Commissioner of G. L. O., transmitting application of Able E. Hunter for hearing.

Plaintiff's Exhibit No. 154T.

Report of Louis L. Sharp, Special Agent, G. L. O. to Commissioner G. L. O., in re hearing contest of U. S. vs. Able E. Hunter.

Plaintiff's Exhibit No. 154U.

Affidavit of Publication.

Plaintiff's Exhibit No. 154V.

POWER OF ATTORNEY TO HARRY S. WORTHMAN, EXECUTED BY ABLE E. HUNTER.

“DEPARTMENT OF THE INTERIOR,

United States Land Office,

At Boise, Idaho.

In the Matter of the Application of ABLE E. HUNTER to Purchase the SE. $\frac{1}{4}$ Sec. 14, Twp. 7 N., R. 5 E., B. M. Under His Timber and Stone Sworn Statement No. 227.

Comes now the above named applicant and appoints Harry S. Worthman of Boise, Ada County, Idaho, as his attorney and counsel to appear for him and represent him in any and all matters in any way connected with the above entitled cause.

ABLE E. HUNTER.”

Plaintiff's Exhibit No. 154W.

Report of Register and Receiver in re entry of Able E. Hunter.

Plaintiff's Exhibit No. 154X.

Certificate of Register and Receiver in re discrepancy between date of proof and date of Register's Certificate and Receiver's Receipt.

Plaintiff's Exhibit No. 155A.

CHECK FROM FRANK STEUNENBERG TO
C. A. ARBUCKLE, DATED APRIL, 19,
1902.

"Caldwell, Idaho, Apr. 19, 1902. No——.

THE COMMERCIAL BANK.

Pay to the Order of C. A. ARBUCKLE
..... \$25.00 Twenty-five Dollars.
FRANK STEUNENBERG."

Plaintiff's Exhibit No. 155B.

CHECK FROM FRANK STEUNENBERG TO
C. A. ARBUCKLE DATED MAY 9th, 1902.

"Caldwell, Idaho, May 9, 1902. No——.

THE COMMERCIAL BANK.

Pay to the Order of C. A. ARBUCKLE
..... \$150.00 One Hundred and Fifty Dollars.
FRANK STEUNENBERG."

Plaintiff's Exhibits Nos. ——.

ROBERT McAFEE, Cashier,

First National Bank of Idaho.

EXHIBIT BARBER LUMBER COMPANY
FRANK STEUNENBERG ACCOUNT NO.
1.

(Copied in full in record at page 2727.)

EXHIBIT KINKAID ACCOUNT NO. 3.

(Copied in full in record at page 2712.)

LIST OF PATENTS.

Plaintiff's Exhibit No. 158A.

SUSIE A. YOUNGKIN, dated June 10th, 1904,
for land described in Exhibit 60A.

Plaintiff's Exhibit No. 158B.

LOUISA B. WEST, dated Jan. 28th, 1904, for land
described in Exhibit No. 9A.

Plaintiff's Exhibit No. 158C.

DEAN WEST, dated Jan. 28th, 1904, for land
described in Exhibit 154A.

Plaintiff's Exhibit No. 158D.

HARRY S. WORTHMAN, dated Jan. 28th, 1904,
for land described in Exhibit 23A.

Plaintiff's Exhibit No. 158E.

WILBERT F. WILMOT, dated Jan. 28, 1904, for
land described in Exhibit 172.

Plaintiff's Exhibit No. 158F.

FREDERIC THURMAN, dated Jan. 28th, 1904,
for land described in Exhibit 41A.

Plaintiff's Exhibit No. 158G.

NELLIE J. THOMPSON, dated December 30th,
1905, for land described in Exhibit Warranty Deed
306.

Plaintiff's Exhibit No. 158H.

LUCRETIA C. SENSENIG, dated June 10th,
1904, for land described in Exhibit 44A.

Plaintiff's Exhibit No. 158I.

ELIZABETH SCHMELZEL, dated June 10th,
1904, for land described in Exhibit 47A.

Plaintiff's Exhibit No. 158J.

EMERSON S. SENSENIG, dated July 2d, 1904,
for land described in Exhibit 43A.

Plaintiff's Exhibit No. 158K.

MARY STARN, dated May 13th, 1904, for land
described in Exhibit 48A.

Plaintiff's Exhibit No. 158L.

EDWARD H. STARN, dated May 13th, 1904, for
land described in Exhibit 46A.

Plaintiff's Exhibit No. 158M.

ARIETTA H. STAHL, dated June 10th, 1904, for
land described in Exhibit 49A.

Plaintiff's Exhibit No. 158N.

BENJAMIN E. STAHL, dated June 10th, 1904,
for land described in Exhibit 50A.

Plaintiff's Exhibit No. 158O.

WILLIAM PEARSON, dated Jan. 28th, 1904, for
land described in Exhibit 37A.

Plaintiff's Exhibit No. 158P.

MARGARET PEARSON, dated Jan. 28th, 1904,
for land described in Exhibit 34A.

Plaintiff's Exhibit No. 158Q.

EDWARD J. PHELPS, dated Nov. 3d, 1905, for
land described in Exhibit 61A.

Plaintiff's Exhibit No. 158R.

CHARLEY PATTERSON, dated Jan. 28th, 1904,
for land described in Exhibit 62A.

Plaintiff's Exhibit No. 158S.

LOUIS NIBLER, dated Feb. 1st, 1904, for land described in Exhibit 17A.

Plaintiff's Exhibit No. 158T.

PEARL I. NUSBAUM, dated June 10th, 1904, for land described in Exhibit 52A.

Plaintiff's Exhibit No. 158U.

JACOB V. NUSBAUM, dated May 24, 1904, for land described in Exhibit 53A.

Plaintiff's Exhibit No. 158V.

JOHN M. NEIL, dated May 13, 1904, for land described in Exhibit 18A.

Plaintiff's Exhibit No. 158W.

MAUD PITMAN NEIL, dated May 13, 1904, for land described in Exhibit 18 I.

Plaintiff's Exhibit No. 158X.

JOHN G. McDONALD, dated March 18, 1905, for land described in Exhibit 58A.

Plaintiff's Exhibit No. 158Y.

WILLIS C. LANE, dated January 28th, 1904, for land described in Exhibit 36A.

Plaintiff's Exhibit No. 158Z.

LELIA LEE, dated Feb. 1st, 1904, for land described in Exhibit 110A.

Plaintiff's Exhibit No. 158AA.

GUSTAV A. LINK, dated Feb. 1st, 1904, for land described in Exhibit 69J.

Plaintiff's Exhibit No. 158BB.

MARY LINK, dated Feb. 1st, 1904, for land described in Exhibit 70B.

Plaintiff's Exhibit No. 158CC.

CHARLES S. KINGSLEY, dated May 13, 1904,
for land described in Exhibit 38A.

Plaintiff's Exhibit No. 158DD.

CARO F. B. KINGSLEY, dated May 13, 1904,
for land described in Exhibit 39A.

Plaintiff's Exhibit No. 158EE.

WALTER L. HARRISON, dated February 1st,
1904, for land described in Exhibit 45A.

Plaintiff's Exhibit No. 158FF.

LEONORA HOLLISTER, dated Feb. 1st, 1904,
for land described in Exhibit 35A.

Plaintiff's Exhibit No. 158GG.

JOSEPH M. HOLLISTER, dated Feb. 1st, 1904,
for land described in Exhibit 33A.

Plaintiff's Exhibit No. 158HH.

RICE J. HARBAUGH, dated December 29, 1904,
for land described in Exhibit 122A.

Plaintiff's Exhibit No. 158 II.

SARAH GREIG, dated January 28, 1904, for
land described in Exhibit 20A.

Plaintiff's Exhibit No. 158 JJ.

SAMUEL GREIG, dated January 28, 1904, for
land described in Exhibit 19A.

Plaintiff's Exhibit No. 158KK.

MACK GILLUM, dated Feb. 1st, 1904, for land
described in Exhibit 22A.

Plaintiff's Exhibit No. 158LL.

ADDIE G. GIBBERD, dated April 8th, 1904, for
land described in Exhibit 25A.

Plaintiff's Exhibit No. 158MM.

WILLIAM H. GIBBERD, dated May 13, 1904, for land described in Exhibit 24A.

Plaintiff's Exhibit No. 158NN.

HELEN E. EAGLESON, dated June 10th, 1904, for land described in Exhibit 65A.

Plaintiff's Exhibit No. 158OO.

GEORGE T. ELLIS, dated July 2, 1904, for land described in Exhibit 42A.

Plaintiff's Exhibit No. 158PP.

IDA TWOGOOD, dated June 30, 1905, for land described in Exhibit 119D.

Plaintiff's Exhibit No. 158QQ.

EMMA BILDERBACK, dated May 24, 1904, for land described in Exhibit 51A.

Plaintiff's Exhibit No. 158RR.

CLIFTON C. BLIVEN, dated June 10, 1904, for land described in Exhibit 21A.

Plaintiff's Exhibit No. 158SS.

CHARLES W. BALENTINE, dated July 26th, 1904, for land described in Exhibit 10A.

Plaintiff's Exhibit No. 158TT.

JAMES O. BAKER, dated Feb. 1st, 1904, for land described in Exhibit 26A.

Plaintiff's Exhibit No. 158UU.

EDWARD BRISBIN, dated March 17, 1904, for land described in Exhibit 16A.

Plaintiff's Exhibit No. 158VV.

LEWIS K. BURNS, dated January 28th, 1904, for land described in Exhibit 4.

Plaintiff's Exhibit No. 158WW.

GEORGE BAYHOUSE, dated June 10th, 1904,
for land described in Exhibit 56A.

Plaintiff's Exhibit No. 158XX.

FRANK BAYHOUSE, dated June 10th, 1904,
for land described in Exhibit 57A.

Plaintiff's Exhibit No. 158YY.

ALFRED BAYHOUSE, dated May 24th, 1904,
for land described in Exhibit 64A.

Plaintiff's Exhibit No. 158ZZ.

JOHN J. BLAKE, dated April 14th 1906, for
land described as follows: The NE. $\frac{1}{4}$ of the NW.
 $\frac{1}{4}$ and the NW. $\frac{1}{4}$ of the NE. $\frac{1}{4}$, and the SW. $\frac{1}{4}$ of
the NE. $\frac{1}{4}$ and the SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of Sec. 17,
Tp. 5 N., of R. 4 E. of B. M.

Plaintiff's Exhibit No. 158AAA.

HENRY BAYHOUSE, dated May 24th, 1904,
for land described in Exhibit 71A.

Plaintiff's Exhibit No. 158BBB.

MARY E. OWNBEY, dated May 13th, 1904, for
land described in Exhibit 73A.

Plaintiff's Exhibit No. 158CCC.

JACKSON OWNBEY, dated May 13th, 1904, for
land described in Exhibit 72A.

Plaintiff's Exhibit No. 158DDD.

EMMA M. ANDERSON, dated May 13th, 1904,
for land described in Exhibit 28A.

Plaintiff's Exhibit No. 158EEE.

ELOF ANDERSON, dated May 13th, 1904, for
land described in Exhibit 27A.

Plaintiff's Exhibit No. 158FFF.

WILLIAM W. ABRAMS, dated May 24th, 1904,
for land described in Exhibit 1.

Plaintiff's Exhibit No. 158GGG.

CAROLINE ALEXANDER, dated June 10th,
1904, for land described in Exhibit No. 55A.

Plaintiff's Exhibit No. 158HHH.

BENJAMIN R. ALLEN, dated September 9th,
1904, for land described in Exhibit 31D.

Plaintiff's Exhibit No. 158 III.

JOHN A. YOUNGKIN, dated May 13th, 1904,
for land described in Exhibit 54A.

Plaintiff's Exhibits Nos. 159A to 159E.**Plaintiff's Exhibit No. 159A.**

Newspaper article, set out on page 2763 of Record.

Plaintiff's Exhibit No. 159B.

Newspaper article, set out on pages 2764 and
2765 of Record.

Plaintiff's Exhibit No. 159C.

Newspaper article transcribed into Record, page
2766.

Plaintiff's Exhibit No. 159D.

Newspaper article, set out on pages 2768 and 2769
of Record.

Plaintiff's Exhibit No. 159E.

Newspaper article, transcribed on pages 2770 and
2771 of Record.

Plaintiff's Exhibits No. 161.

JOHN J. PAWLEY: Residence, Boise, Idaho;
occupation, lumberman.

Sworn Statement, No. 994, dated and filed Aug. 11th, 1903, for entry of East One-half of the Southeast Quarter Section 32 and West One-half of the Southwest Quarter, Section 33, Tp. 6 North of Range 8 East, B. M.

Notice for Publication; witnesses for Final Proof, Hiram Maynard, Samuel E. Vance, John E. Hobbs, Benjamin R. Allen.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of John J. Pawley, at final proof, dated November 10th, 1903.

ANSWERS Given by John J. Pawley, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money and brought it with me to Idaho in 1900.

Answer to Ques. 18: No, I deposited with O. S. L. local cashier.

Testimony of witness, Hiram Maynard, on final proof.

Cross-examination of witness, Hiram Maynard, on final proof.

Testimony of witness, Samuel E. Vance, on final proof.

Cross-examination of witness, Samuel E. Vance, on final proof.

Receiver's receipt, No. 2696, Nov. 10, 1903.

Final Certificate No. 2696, Nov. 10, 1903.

Certified Copy Declaration of Intention of John J. Pawley to become a citizen.

Deed of John J. Pawley, to Horace S. Rand, dated Nov. 21st, 1903; consideration, \$800; acknowledged before John M. Haines, Notary Public and filed for record July 1st, at the request of W. E. Borah. Conveys land described in Sworn Statement Exhibit No. 161.

Patent, dated Sept. 9th, 1904, to John J. Pawley for land described in Sworn Statement of Exhibit No. 161.

Plaintiff's Exhibits No. 162.

WM. F. ROBERTS: Residence, of Boise, Idaho; occupation, stone-cutter.

Sworn Statement No. 307, dated Dec. 24, 1901, for entry of Northwest Quarter of Section 25, Tp. 7 North of Range 5 East, B. M.

Notice for Publication; witnesses for final proof, Charles Wilmot, James Baker, Arthur Brookhart, Martin Stephenson.

Affidavit of Publication.

Non-Mineral Affidavit.

Affidavit of William F. Roberts, in re postponement date of making final proof.

"DEPARTMENT OF THE INTERIOR.

United States Land Office.

Boise, Idaho, March 20, 1902.

William F. Roberts, being first duly sworn, deposes and says that he is the identical William F. Roberts who made Timber and Stone Sworn Statement No. 307, at this office December 24, 1901, for NW. $\frac{1}{4}$ Sec. 25, Tp. 7 N., R. 5 E.; that he was unable to appear and make proof on the 14th day of March,

1902, the day advertised for proof on said Sworn Statement, because the money with which he expected to make payment for said land was loaned out, and he *could secure* it on said 14th day of March, or before this 20th day of March, 1902.

WILLIAM F. ROBERTS.

Subscribed and sworn to before me this 20th day of March, 1902.

EDWARD E. GARRETT,

Receiver."

Certificate of Register and Receiver, in re postponement of William F. Roberts, date of making proof.

Testimony of William F. Roberts, on final proof, dated March 20, 1902.

ANSWERS of William F. Roberts, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir; Yes, sir.

Answer to Ques. 17: Got it by working and saving it up for the last three or four years, herding sheep, etc.; part about 3 years; had some, about \$300, for about 3 years, some since yesterday.

Answer to Ques. 18: No, sir, except \$50 or \$60 that I had in the Capital State Bank.

Testimony of witness, Arthur E. Brookhart, at final proof.

Cross-examination of witness, Arthur E. Brookhart, on final proof.

Testimony of witness, James O. Baker, on final proof.

Cross-examination of witness, James O. Baker, on final proof.

Affidavit of witness, Arthur E. Brookhart, correcting name.

Receiver's Receipt No. 1947, dated July 18th, 1902.

Final Certificate No. 1947, dated July 18th, 1902,

Certificate of Register and Receiver, in re discrepancy between dates.

Report of Register and Receiver in re entry of William F. Roberts.

Deed from William F. Roberts, to A. E. Palmer dated March 17th, 1903; consideration \$1000; acknowledged before L. M. Pritchard, Notary Public; filed for record at the request of W. E. Borah, June 29, 1903. Conveys land described in Sworn Statement, Exhibit No. 162.

Patent dated Feb. 1st, 1904, to William F. Roberts, for land described in Exhibit No. 162, Sworn Statement.

Plaintiff's Exhibits No. 163.

HENRY RICS: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 314 dated Dec. 26, 1901, for entry of the East One-half of Southwest Quarter and lots 6 and 7, Section 6, Tp. 7 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John I. Wells, Patrick H. Downs, Mary Willis, and William J. Wills.

Affidavit of Publication.

Non-Mineral Affidavit.

Testimony of Henry Rics, at Final Proof, dated March, 28, 1902.

ANSWERS of Henry Rics, to Questions, 16, 17 and

18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes; Yes.

Answer to Ques. 17: I loaned it to a friend. I just took it out of the Capital State Bank this morning. I got money all the time.

Answer to Ques. 18: Sometimes in Capital State Bank, and sometimes in Boise City National Bank.

Testimony of witness, John I. Wells, at final proof.

Cross-examination of witness, John I. Wells, at final proof.

Testimony of Patrick H. Downs, witness, at final proof.

Cross-examination of witness, Patrick H. Downs, at final proof.

Affidavit of Henry Rics, in re postponement date of making final proof.

Certificate of Register and Receiver, in re postponement of making final proof.

Certificate of Register and Receiver, in re discrepancy between date of proof and Receiver's Receipt and Register's Certificate.

Receiver's Receipt No. 1988, dated Aug. 1st, 1902.

Final Certificate No. 1988, dated Aug. 1st, 1902.

Deed from Henry Rics to A. E. Palmer, dated March 19, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record July 10th, 1903, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 163.

Declaration of Intention of Henry Rics, to become a citizen of the United States.

Patent to Henry Rics, dated Feb. 1st, 1904, for

land described in Exhibit embraced in Sworn Statement, Plaintiff's Exhibit No. 163.

Plaintiff's Exhibits No. 164.

JOHN W. ROSE: Residence, Boise, Idaho; occupation, sheepman.

Sworn Statement No. 592, dated and filed Sept. 16th, 1902, for entry of Lots 1 and 2, and the South One-half of the Northeast Quarter of Section 1, Tp. 6 North of Range 7 East.

Notice for Publication; witnesses for final proof, Andrew Hanson, Frank R. McDonald, Thos. S. Thompson, and Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of John W. Rose, on final proof, dated January 23rd, 1903.

ANSWERS of John W. Rose, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I have earned the money working with sheep.

Answer to Ques. 18: I have had deposit during part of past six months with First National Bank, Boise, Idaho.

Testimony of witness, Frank R. McDonald, on final proof.

Cross-examination of witness, Frank R. McDonald, at final proof.

Testimony of witness, Andrew Hanson, on final proof.

Cross-examination of witness, Andrew Hanson, on final proof.

Affidavit of John W. Rose in re postponement date of making final proof.

“UNITED STATES LAND OFFICE.

Boise, Idaho, January 23, 1903.

John W. Rose, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn Statement #592, at this office on September 16, 1902, for the purchase of Lots 1 and 2, S. 1½ NE. ¼, Sec. 1, Tp. 6 N., R. 7 E., B. M. and who advertised to offer proof therefor at this office on the 14th day of January, 1903; that he was unable to offer such proof on said date for the reason that he could not collect the money due him as camp tender for M. E. Pratt & Co., at that time, and hence did not appear until this date.

JOHN W. ROSE.

Subscribed and sworn to before me this 23d day of January, 1903.

EDWARD E. GARRETT,

Receiver.”

Receiver's Receipt No. 2275, dated Jan. 23d, 1903.

Final Certificate No. 2275, dated Jan. 23d, 1903.

Deed from John W. Rose, to A. E. Palmer, dated Feb. 6th, 1903; consideration \$950.00; acknowledged before Walter S. Walker, Notary Public, filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement of Exhibit No. 164.

Patent dated March 24th, 1904, to John W. Rose, for land described in Exhibit No. 164.

Plaintiff's Exhibits No. 165.

GUSTAVE H. ROTHINE: Residence, Boise, Idaho; occupation, trained nurse.

Sworn Statement No. 279, dated Nov. 26, 1901, for entry of South One-half of the Southwest Quarter and South One-half of the Southeast Quarter, of Section 5, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Henry F. Benedix, Charles A. Walker, Patrick H. Downs and John I. Wells.

Non-mineral Affidavit.

Testimony of Gustave H. Rothine, at final proof, dated Feb. 14, 1902.

ANSWERS Given by Gustave H. Rothine, on Cross-examination, at Final Proof, to Questions 16, 17 and 18.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: I have saved it up from my earnings, six months have had it all, some for about six years.

Answer to Question 18: No, sir. I keep my money myself.

Testimony of witness, Henry F. Benedix, on final proof.

Cross-examination of witness, Henry F. Benedix, on final proof.

Testimony of witness, Charles A. Walker, on final proof.

Cross-examination of witness, Charles A. Walker, on final proof.

Receiver's Receipt, No. 1920, dated July 14th, 1902.

Final Certificate, No. 1920, dated July 14th, 1902.

Certificate of Citizenship of Gustave H. Rothine.

Report of Register and Receiver, in re entry of Gustave H. Rothine.

Deed from Gustave H. Rothine, to A. E. Palmer, dated July 14th, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed at the request of W. E. Borah, July 29, 1903, for record. Conveys land described in Sworn Statement of Exhibit No. 165.

Patent to Gustave H. Rothine, dated Jan. 28th, 1904, for land embraced in Sworn Statement, Exhibits Nos. 165.

Plaintiff's Exhibits No. 166.

DAVID G. THOMPSON: Residence, Boise, Idaho; occupation, barber.

Sworn statement, No. 681, dated and filed, Nov. 5th, 1902, for entry of Southeast Quarter of Section 26, Tp. 8 North of Range 5 East, Boise Meridian.

Notice for Publication; witness, for final proof, Wm. H. Humphrey, Sherman B. Thompson, George S. Warren, James O'Brien.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of David G. Thompson, at Final Proof, dated Feb. 25, 1903.

ANSWERS Given by David G. Thompson, at final proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: I earned the greater

portion of it and borrowed the rest of my brother S. B. Thompson I borrowed \$150. I gave no security. Been saving for several years.

Answer to Question 18: No, sir. Have kept money in my own possession.

Testimony of witness, Wm. H. Humphrey, at final proof.

Cross-examination of witness, Wm. H. Humphrey, at final proof.

Testimony of James O'Brien, witness, on final proof.

Cross-examination of James O'Brien, witness, on final proof.

Receiver's Receipt No. 2324, dated Feb. 25th, 1903.

Final Certificate No. 2324, dated Feb. 25th, 1903.

Deed from David G. Thompson, to A. E. Palmer, dated March 6th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, and filed for record, June 27th, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement of Exhibit No. 166.

Patent dated July 2nd, 1904, for land described in Sworn Statement Exhibit No. 166, to David G. Thompson.

Plaintiff's Exhibits No. 167.

CHARLES A. WALKER: Residence, Boise, Ida.; occupation, trained nurse.

Sworn Statement No. 286, dated and filed Dec. 7, 1901, for entry of North One-half of the Northwest Quarter, and North One-half of the Northeast

Quarter, Section 8, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Henry F. Benedix, Gustave H. Rothine, Patrick H. Downs and John I. Wells.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Charles A. Walker, at final proof, dated Feb. 20, 1902.

ANSWERS Given by Charles A. Walker, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. I have saved it during the last six or seven years from my earnings about 8 or 9 months or over.

Answer to Question 18. Yes, sir. In the National Bank at Fergus Falls, and have had some in the Capital State Bank at Boise.

Testimony of witness, Gustave H. Rothine, at final proof.

Cross-examination of witness, Gustave H. Rothine, at final proof.

Testimony of witness, Henry F. Benedix, at final proof.

Cross-examination of witness, Henry F. Benedix, at final proof.

Receiver's Receipt, No. 1949, July 18, 1902.

Final Certificate No. 1949, dated July 18, 1902.

Report of Register and Receiver, in re entry of Charles A. Walker.

Certificate of Register and Receiver, in re dis-

crepancy between date of proof, and Register's Certificate.

Deed from Charles A. Walker, to A. E. Palmer; dated August 12th, 1902; consideration \$800.00; acknowledged before Joseph M. Healy, Notary Public, filed for record Feb. 25th, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement of Exhibit No. 167.

Patent dated Feb. 1st, 1904, to Charles A. Walker. For land described in Sworn Statement, embraced in Exhibits Nos. 167.

Plaintiff's Exhibits No. 168.

JOHN W. WILLIAMS: Residence, Boise, Ida.; occupation, carpenter.

Sworn Statement No. 368, dated and filed Feb. 29, 1902, for entry of South One-half of the Southwest Quarter of Section 23, and South One-half of the Southeast Quarter of Section 22, Tp. 7 North of Range 5 E., B. M.

Notice for Publication; witnesses for final proof, Henry Humphrey, Patrick H. Downs, Roy Dye, Gertrude Lewin.

Non-mineral Affidavit.

Testimony of John W. Williams, on final proof, dated July 17th, 1902.

ANSWERS Given by John W. Williams, on Final Proof.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. It is money I have been saving up from work, I have had part—\$200 when I came here. \$100.50 of it I got about two weeks ago from Minn. money that was owing to me. The

balance I have saved up working here. I saved on an average about \$30 to \$40.

Answer to Question 18. No, sir. Keep my money in my own possession.

Affidavit of Publication.

Testimony of witness, Henry Humphrey, on final proof.

Testimony of witness, Roy Dye, on final proof.

Receiver's Receipt No. 1934, dated July 17, 1902.

Final Certificate No. 1934, dated July 17, 1902.

Deed from John W. Williams, to A. E. Palmer, dated July 18, 1902; consideration \$1,000; acknowledged before L. M. Pritchard, N. P., and filed for record June 27, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement of Exhibit No. 168.

Plaintiff's Exhibit No. 169.

GEORGE S. WARREN: Residence, Boise, Idaho; occupation, grocer.

Sworn Statement 500, dated Aug. 11th, 1902, for entry of East One-half of the Northwest Quarter and East One-half of the Southwest Quarter, Section 32, Tp. 6 North of Range 6 East. Boise Meridian.

Notice for Publication; witnesses for final proof, Robert E. Heel, Albert B. Ewing, Wm. H. Humphrey, and John I. Wells.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of George S. Warren, at final proof, dated November 11, 1902.

ANSWERS Given by George S. Warren to Ques-

tions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Came from sale of property in Minnesota. Have had it a year, and a half.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Cross-examination of George S. Warren by E. B. Caple, Special Agent, G. L. O.

“TIMBER AND STONE LANDS.

Cross-examination of Claimant in Connection with Direct Examination on Form 4—370.

Question 1. Are you an actual bona fide citizen of this State? Yes, sir.

Question 2. Are you married or single? Married.

Question 3. Where did you reside prior to becoming a resident of this state, and what was your occupation? Minn. I kept grocery, meat market.

Question 4. How long have you been an actual resident of this state, and where have you lived during all of this time? Since 27 June, 1902, Boise, Idaho.

Question 5. What has been your occupation during the past year, and where and by whom have you been employed, and at what compensation? Not able to work.

Question 6. How did you first learn about this particular tract of land, and that it would be a good investment to buy it? I did not know anything about this particular tract till the cruiser took me on it.

Question 7. Did you pay or agree to pay anything for this information ? If so, to whom, and the amount? I agreed to pay Pat Downs \$25.00 for locating me.

Question 8. Have you made a personal examination of each smallest subdivision of said land? If so, state when and under what circumstances and with whom? Yes, sir, with Pat Downs.

Question 9. How did you identify said land? Describe it fully? I saw a big witness tree, and Pat Downs said it was a corner tree, then he took me over the land and showed it to me.

Question 10. How many thousand feet, board measure, of lumber did you estimate that there is on this entire tract, and what is the stumpage value of same? 2,000,000 ft.

Question 11. Are you practical lumberman or woodsman? If not, how did you arrive at your estimate of the quantity and value of the lumber on hand. No, sir, all I know about it, is what Pat Downs told me about it.

Question 12. What do you expect to do with this land and the lumber on it when you get title to it? I expected to sell it when I got a chance, and I did sell it for \$700.00. A. E. Palmer in April, 1903.

Question 13. Did you know of any capitalist or company which was offering to purchase timber land in the vicinity of this entry? If so, who are they, and how did you know of them? I did not at the time I took it.

Question 14. Has any person offered to purchase this land after you acquired title? If so, who, and for what amount? No, sir.

Question 15. Where is the nearest and best market for the timber on this land at the present time? Boise, Idaho.

Question 16. Did you pay, out of your own individual funds, all the expenses in connection with making this filing, and do you expect to pay for the land with your own money? I did.

Question 17. Where did you get the money with which to pay for this land, and how long have you had same in your actual possession? I sold property in Minn. before I came out here, and brought money along with me.

Question 18. Have you kept a bank account during the past six months, and if so, where? No, sir.

GEORGE S. WARREN.

Subscribed and sworn to before me this 6th day of Mar., 1904.

E. B. CAPLE,

Special Agent, G. L. O."

Testimony of witness, Albert B. Ewing, on final proof.

Testimony of witness, Robert E. Heel, on final proof.

Receiver's Receipt, No. 2160, Nov. 11, 1902.

Final Certificate No. 2160, Nov. 11, 1902.

Deed from George S. Warren and wife, dated March 23, 1903, to A. E. Palmer; consideration, \$925.00; acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, Oct. 5th, 1903. Conveys land described in Sworn Statement of Exhibit No. 169.

AFFIDAVIT OF GEORGE S. WARREN, IN
RE ENTRY OF LAND GIVEN BEFORE E. E.
CAPLE, SPECIAL AGT. G. L. O.

“State of Idaho,
County of Ada,—ss.

George S. Warren, being first duly sworn according to law, deposes and says: that his residence and postoffice address is Boise, Idaho; that he is a citizen of the United States; that he is the identical person who made timber and stone cash entry #2160 for the E. $\frac{1}{2}$ NW. $\frac{1}{4}$ and E. $\frac{1}{2}$, SW. $\frac{1}{4}$, Sec. 32, Tp. 6 N., R. 6 E. B. M.

That he made final proof on said entry, Nov. 11, 1902; that he paid Patrick Downs Twenty-five dollars to locate him on claim; that while he had conversed with Patrick Downs in reference to selling his land, he did not enter into an agreement, either express or implied, to sell the land embraced by his entry, or any interest therein, prior to the time he made proof on his filing; that he made said entry of said land, for his own use and benefit, and not at the instance or in the interest of a party or parties other than himself; that he did not prior to the time he made proof on the said entry, make an agreement of any nature to sell the said entry or the timber thereon or any interest therein.

That at the time he made said entry of said land, he was in possession of sufficient money to pay the purchase price of said land, and that he did use said money belonging to himself to pay for said land.

That he sold said land in April, 1903, to L. M.

Pritchard, Agent for A. E. Palmer of Spokane, Wash., for the sum of Seven Hundred Dollars (\$700.00).

GEORGE S. WARREN.

Subscribed and sworn to before me this 5th day of Mar. 1904.

E. B. CAPLE,

Special Agent, G. L. O."

Affidavit of Albert Ewing, in re entry of George S. Warren.

Report of E. E. Caple, Special Agt. G. L. O. to Commissioner, G. L. O., in re entry of George S. Warren.

Letter of Harry J. Syms, Register, to Commissioner G. L. O., dated April 16th, 1904.

Letter of W. A. Richards, Commissioner, G. L. O., to Register and Receiver, Boise, Idaho, dated April 11, 1904.

Patent dated July 2, 1904, to George S. Warren, for land described in Sworn Statement embraced in Exhibit No. 169.

Plaintiff's Exhibits No. 170.

ELIZABETH WILLHITE: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement No. 626, dated and filed Sept. 24, 1902, for entry of Northeast Quarter of Section 31, Tp. 7 North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John Payne, Maud Payne, Patrick H. Downs, Aaron Ownbey.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Elizabeth Willhite, on final proof, dated January 27th, 1903.

ANSWERS Given by Elizabeth Willhite, on Final Proof, Cross-examination, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money keeping boarders. Have had it a few months, do not know exactly.

Answer to Ques. 18: No.

Testimony of witness, John Payne, on final proof.

Cross-examination of witness, John Payne, on final proof.

Testimony of witness, Maud Payne, on final proof.

Cross-examination of witness, Maud Payne, on final proof.

Receiver's Receipt, No. 2282, dated Jan. 27, 1903.

Final Certificate No. 2282, dated Jan. 27, 1903.

Letter from Commissioner, G. L. O. to Register, Boise L. O., dated March 12, 1904.

Patent dated May 24, 1904, to Elizabeth Willhite, for land described in Sworn Statement, embraced in Exhibits Nos. 170.

Plaintiff's Exhibits Nos. 171.

GENERAL F. WILLHITE: Residence, Boise, Ida.; occupation, miner.

Sworn Statement, No. 625, dated and filed Sept. 24, 1902, for entry of Southwest Quarter of Section 32, Tp. 7 North of Range 8 East, B. M.

Notice for Publication; witnesses for final proof,

John Payne, Aaron Ownbey, Maude Payne, and
Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of General F. Willhite, at final proof.
Dated Jan. 27, 1903.

ANSWERS Given by General F. Willhite, to Questions 16, 17, and 18, on Cross-examination, at Final Proof.

Answer to Question 16: Yes.

Answer to Question 17: I earned the money in my business as agent. Have had this amount 6 months.

Answer to Question 18: No.

Testimony of witness, John Payne, on final proof.

Cross-examination of witness, John Payne, on final proof.

Testimony of witness, Maude Payne, on final proof.

Cross-examination of witness, Maude Payne, on final proof.

Receiver's Receipt, No. 2281, dated and filed Jan. 27, 1903.

Final Certificate No. 2281, dated and filed Jan. 27, 1903.

Deed from General F. Willhite and Elizabeth Willhite to Horace S. Rand, dated Feb. 14, 1903; consideration, \$1600.00; acknowledged before L. M. Pritchard, N. P. Conveyed land in sworn statement of General F. Willhite, Exhibit No. 171, and Elizabeth Willhite, No. 170, filed for record June

23, 1904, at the request of W. E. Borah.

Patent May 24, 1904, to General F. Willhite, for land described in Exhibit No. 171, Sworn Statement.

Plaintiff's Exhibits No. 172.

WILBERT F. WILMOT: Residence, Boise, Ida.; occupation, farmer.

Sworn Statement No. 308, dated and filed Dec. 26th, 1901, for entry of Lots 3, 4 and 5, and Southeast Quarter of Northwest Quarter, of Section 6, Tp. 7 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Henry Rice, William J. Willis, Alex J. Rowan and Charles M. Wilmot.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Wilbert F. Wilmot, on final proof. Dated March 19, 1902.

ANSWERS Given by Wilbert F. Wilmot, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: I did, sir. I do.

Answer to Question 17: I sold my ranch at Meridian last Aug. Since Aug. 1901, and longer.

Answer to Question 18: Yes, sir. First National Bank of Idaho, at Boise.

Testimony of witnesses, William J. Willis, on final proof.

Cross-examination of witness, William J. Willis, on final proof.

Testimony of witness, Henry Ries, on final proof.

Cross-examination of witness, Henry Rics, on final proof.

Affidavit of Henry Rics, and Wilbert F. Wilmot, correcting spelling of name of Henry Rics.

Certificate of Register and Receiver, in re discrepancy between date of proof and Register's Certificate.

Receiver's Receipt No. 1943, dated July 18, 1902.

Final Certificate, No. 1943, dated July 18, 1902.

Deed from Wilbert F. Wilmot and wife to A. E. Palmer, dated June 24th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, Feb. 29, 1904. Conveys land described in Sworn Statement of Exhibit No. 172.

Patent dated Jan. 28th, 1904, to Wilbert F. Wilmot for land described in Sworn Statement Exhibit 172.

Plaintiff's Exhibits No. 173.

LENA D. WILSON: Residence, Boise, Idaho; occupation, school teacher.

Sworn Statement No. 646, dated and filed Oct. 2, 1902, for entry of Southeast Quarter of Section 32, Tp. 7 North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Sonora A. Joplin, Andrew F. Joplin, Patrick H. Downs, and Walter L. Wilson.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony Lena D. Wilson, on final proof. Dated March 20th, 1903.

ANSWERS Given by Lena D. Wilson on Cross-examination at Final Proof, to Questions 16, 17 and 18.

Answer to Question 16: Yes. I do.

Answer to Question 17: I sold three lots in Payette and got \$1000 and part teaching. Service Feb. 1902.

Answer to Question 18: Not regular. Some business with Capital State Bank, Boise.

Testimony of witness Sonora A. Joplin on final proof.

Cross-examination of witness, Sonora A. Joplin, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Receiver's Receipt No. 2353, dated March 20, 1903.

Final Certificate No. 2353, dated March 20, 1903.
Non-alienation Affidavit.

“UNITED STATES LAND OFFICE.

Boise, Idaho, March 20, 1903.

Lena D. Wilson, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #646 in this office on October 2, 1903, for the purchase of the SE. 1/4 Sec. 32, Tp. 7 N., R. 8 E., B. M. and who advertised to offer proof therefor on March 20, 1903; that she is a married woman; that she purposes to purchase said land with her separate money,

in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

LENA D. WILSON.

Subscribed and sworn to before me this 20th day of March, 1903.

EDWARD E. GARRETT,

Receiver."

Deed from Walter L. Wilson and Lena D. Wilson, to Horace S. Rand, dated March 26, 1903; consideration \$1700.00; acknowledged before L. M. Pritchard, N. P., and conveying lands embraced in entries Exhibits No. 173 and No. 174. Filed for record July 1st, 1904, at the request of W. E. Borah, of Boise Meridian.

Patent Aug. 23d, 1904, to Lena D. Wilson, for land embraced in Sworn Statement Exhibit No. 173, of Boise Meridian.

Plaintiff's Exhibits No. 174.

WALTER L. WILSON: Residence, Boise, Ida.; occupation, teamster.

Sworn Statement No. 647, dated and filed Oct. 2, 1902, for entry of Lot 1 and 2 and East One-half of the Northwest Quarter of Section 31, Tp. 7 North of Range 8 East.

Notice for Publication; witnesses for final proof,

Andrew F. Joplin, Patrick H. Downs, Sonora A. Joplin, and Lena D. Wilson.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Walter L. Wilson, on final proof.
Dated March 20th, 1903.

ANSWERS Given by Walter L. Wilson, on Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: From my business. Several years.

Answer to Question 18: Yes, with Capital State Bank.

Testimony of witness, Sonora A. Joplin, on final proof.

Cross-examination of witness, Sonora A. Joplin, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Receiver's Receipt No. 2354, dated March 20, 1903.

Final Certificate No. 2354, dated March 20, 1903.

Patent dated June 10th, 1904, to Walter L. Wilson, for land described in Sworn Statement of Exhibit No. 174, all of Boise Meridian.

Plaintiff's Exhibits No. 175.

DANIEL P. WOODMORE: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 337, dated and filed March

24th, 1902, for entry of Southeast Quarter of Section 35, Tp. 7 North of Range 5 East, Boise Meridian.

Affidavit Non-mineral.

Notice for Publication, witnesses for final proof, George Gibson, Clifford Gibson, N. H. Young, Spencer Woodmore.

Affidavit of Publication.

Testimony of Daniel P. Woodmore, at final proof, dated June 17, 1902.

ANSWERS of Daniel P. Woodmore, to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Savings from my earnings. Since before I filed.

Answer to Ques. 18: Yes, sir, the Capital State Bank.

Testimony of Clifford Gibson, on final proof.

Cross-examination of Clifford Gibson, on final proof.

Testimony of George Gibson, on final proof, witness.

Cross-examination of George Gibson, on final proof, witness.

Receiver's Receipt, No. 1871, dated June 17, 1902.

Final Certificate No. 1871, dated June 17, 1902.

Deed Daniel P. Woodmore to A. E. Palmer, dated March 23d, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, N. P., and filed for record July 10th, 1903, at the request of W. E. Borah. Conveys land described in Sworn State-

ment of Exhibit No. 175.

Patent dated Jan. 28th, 1904, to Daniel P. Woodmore, for land described in Sworn Statement of Exhibit No. 175.

Plaintiff's Exhibits No. 176.

GEORGE M. YORK: Residence, Boise, Idaho; occupation laborer and teamster.

Sworn Statement No. 805, dated and filed April 22, 1903, for entry of lots 1, 2, 3 and 4, section 30, Tp. 7 North of Range 8 East, B. M.

Notice for Publication; witnesses for final proof, Frank Weasel, George Butler, Walter Joplin, Edward Bush.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of George M. York, at final proof, dated July 20, 1903.

ANSWERS Given by George M. York on Cross-examination at Final Proof, to Questions 16, 17 and 18.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I borrowed \$250 from Geo. Butler and gave him notes to me from other parties; I earned the balance, have had it for two weeks.

Answer to Ques. 18: No.

Testimony of witness, George Butler, at final proof.

Cross-examination of witness, George Butler at final proof.

Testimony of witness, Edward Bush, at final proof.

Cross-examination of witness, Edward Bush, at final proof.

Receiver's Receipt, No. 2480, dated July 20, 1903.

Final Certificate No. 2480, dated July 20, 1903.

Affidavit in U. S. Land Office, Boise, by Edgar E. Bush, correcting spelling of name.

Affidavit in U. S. L. O., Boise, by George M. York, in re correct spelling of name of Edgar E. Bush, witness.

(Above affidavits taken before Edward E. Garrett, Receiver.)

Affidavit of George M. York, in re postponement date of making final proof.

“UNITED STATES LAND OFFICE.

Boise, Idaho, July 20, 1903.

George M. York, being first duly sworn, deposes and says:—

That he is the identical person who made timber and stone sworn statement #805 at the Boise, Idaho, Land Office on the 22d of April, 1903, for the lots 1, 2, 3, and 4, Sec. 30, T. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 13th day of July, 1903; that the reason he did not offer proof on said date or until this date was because he did not have the money.

GEORGE M. YORK.

Subscribed and sworn to before me this 20th day of July, 1903.”

Deed from George M. York to Horace S. Rand, dated July 31st, 1903; consideration \$1000.00, acknowledged before L. M. Pritchard, N. P. and filed for record July 1st, 1904, at the request of W. E.

Borah. Conveys land described in Sworn Statement Exhibit No. 176.

Patent dated July 26, 1904, to George M. York, for land described in Sworn Statement of Exhibit 176.

Plaintiff's Exhibits Nos. 177.

HARRISON OWNBEY: Residence, Halfway House, Boise County, Idaho; farmer.

Sworn Statement No. 543, dated and filed Aug. 30th, 1902, for entry Southwest quarter of Section 13, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Jackson Ownbey, James Ownbey, Mary E. Ownbey, and Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Harrison Ownbey, at final proof, dated December 11th, 1902.

ANSWERS Given by Harrison Ownbey, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I had half of it in my possession which I earned during the past two years. The balance I borrowed from my brother, Jackson Ownbey.

Answer to Ques. 18: No.

Testimony of witness, Patrick H. Downs, at final proof.

Testimony of witness, James Ownbey at final proof.

Receiver's Receipt No. 2210, dated Dec. 11, 1902.

Final Certificate No. 2210, dated Dec. 11, 1902.

Deed from Harrison Ownbey and wife to Horace S. Rand, dated Feb. 19, 1903, consideration \$800.00, acknowledged before J. P. Price, N. P., and filed for record June 23d, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement Exhibit No. 177.

Patent dated May 13, 1904, to Harrison Ownbey for land described in Sworn Statement in Exhibit No. 177.

Plaintiff's Exhibits No. 178.

JAMES OWNBEY: Residence, Halfway House, Boise County, Idaho; occupation, farmer.

Sworn Statement No. 542, dated and filed Aug. 30, 1902, for entry of Northeast Quarter of Section 13, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Jackson Ownbey, Harrison Ownbey, Mary E. Ownbey and Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of James Ownbey, at final proof, dated December 11, 1902.

ANSWERS Given by James Ownbey, at Final Proof, in Cross-examination, to Questions 16, 17 and 18.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: My sons furnished the money.

Answer to Ques. 18: No.

Additional Examination of James Ownbey, by Receiver at final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Testimony of witness, Harrison Ownbey, on final proof.

Receiver's Receipt, No. 2211, Dec. 11, 1902.

Final Certificate No. 2211, Dec. 11, 1902.

Deed from James Ownbey to Horace S. Rand, dated Feb. 11, 1903, for consideration of \$950.00; acknowledged before Walter S. Walker, Notary Public, and filed for record June 23d, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement Exhibit No. 178.

Patent dated May 13th, 1904, to James Ownbey, for land described in Sworn Statement of Exhibit No. 178.

Plaintiff's Exhibits No. 179.

JENS OLSEN: Residence. Boise, Idaho; occupation, carpenter.

Sworn Statement No. 521, dated and filed Aug. 27th, 1902, for entry of Southeast Quarter of Section 25, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John Christenson, Howard Elliott. Emma Elliott, and Wm. Humphrey.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Jens Olsen, on final proof, dated November 21st, 1902.

ANSWERS Given by Jens Olsen, to Questions 16, 17 and 18 on Cross-examination at final proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I earned the money working as a carpenter. Earned during the last year.

Answer to Ques. 18: No.

Additional Cross-examination of Jens Olsen, by Receiver.

Affidavit of Jens Olsen, correcting spelling of name, and of in re postponement of date of making final proof.

Testimony of witness, Wm. Humphrey, on final proof.

Testimony of witness John Christenson, on final proof.

Receiver's Receipt, No. 2176, dated Nov. 21, 1902.

Final Certificate No. 2176, dated Nov. 21, 1902.

Informal report of L. L. Sharp, Special Agt. G. L. O. to Commissioner G. L. O. in re entry of Jens Olsen.

Certified Copy Certificate of citizenship of Jens Olsen.

Deed Dec. 6th, 1902, from Jens Olsen to A. E. Palmer, consideration \$800.00; acknowledged before Wm. R. Prinn, N. P., and filed for record July 1st, 190—, at the request of W. E. Borah. Conveys land described in Exhibit No. 179 Sworn Statement.

Patent dated Feb. 10th, 1905, to Jens Olsen for land described in Sworn Statement of Exhibit 179.

Plaintiff's Exhibits No. 180.

WILLIAM F. NOBLE: Residence, Boise, Idaho; occupation, miner.

(1902).

Sworn Statement No. 627, dated and filed Sept. 25th, 1902, for entry of Northeast Quarter of Section 21, Tp. 7 North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, George W. Butler, Walter Joplin, John I. Wells, Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Wm. F. Noble, at final proof, dated Jan. 29th, 1903.

ANSWERS Given by Wm. F. Noble, at Final Proof, to Questions 16, 17, and 18 on Cross-examination.

Answer to Question 16: Yes.

Answer to Question 17: I made the money mining. Have had same in my possession 4 years.

Answer to Question 18: Yes, First National Bank, Boise, deposited by my mother.

Testimony of witness, John I. Wells, at final proof.

Cross-examination of witness, John I. Wells, at final proof.

Testimony of witness, George W. Butler, at final proof.

Cross-examination of witness, George W. Butler, at final proof.

Receiver's Receipt No. 2287, dated Jan. 29, 1903.

Final Certificate No. 2287, dated Jan. 29, 1902.

Deed of William F. Noble, to Horace S. Rand, dated Feb. 13th, 1903, consideration \$900.00 acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah June 23d, 1904. Conveys land described in Sworn Statement, Exhibit No. 180.

Patent to William F. Noble, dated March 24,

1904, for land described in Sworn Statement Ex. No. 180.

Plaintiff's Exhibits No. 181.

FRANK B. KICKERSON: Residence, Garden City, Minnesota; occupation, farmer.

Sworn Statement No. 241, dated and filed October 19th, 1901, for entry of East One-half of the Northwest Quarter, Northwest Quarter of Northeast Quarter, and Lot 1, of Section 30, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication, witnesses for final proof, Patrick H. Downs, William F. Snow, Henry A. Snow and Nellie J. Thompson.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Frank B. Nickerson, on final proof, dated Jan. 7, 1902.

ANSWERS of Frank B. Nickerson, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: Yes, Yes.

Answer to Question 17: Through my previous operations, I own 160 acre farm near Garden City, Minn.

Answer to Question 18: No. Part of my funds I had loaned and part I got this last part from sale of farm products.

Testimony of Nellie J. Thompson, at final proof.

Cross-examination of Nellie J. Thompson, at final proof.

Testimony of witness, Patrick H. Downs, at final proof.

Cross-examination of witness, Patrick H. Downs, at final proof.

Certificate of Register and Receiver as to delay in issuing certificate and receipt.

Report of Register and Receiver, in re entry of Frank B. Nickerson.

Receiver's Receipt No. 1814, dated May 5th, 1902.

Final Certificate No. 1814, dated May 5th, 1902.

Deed from Frank B. Nickerson and wife to A. E. Palmer, dated June 3d, 1903; consideration \$800.00; acknowledged before C. H. John, N. P., for Blue Earth County, Minn., filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement Exhibit No. 181.

Patent dated Oct. 28th, 1902, to Frank B. Nickerson, for land described in Sworn Statement Ex. No. 181.

Plaintiff's Exhibits Nos. 182.

CHARLES NELSON: Residence, Boise, Idaho; occupation, blacksmith.

Sworn Statement 260, dated and filed Nov. 1st, 1901, for entry of the Northeast Quarter of Section 23, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Gustave Link, John I. Wells, Louisa B. West, John Keane.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Charles Nelson, at final proof. Dated Jan. 28th, 1902.

ANSWERS of Charles Nelson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16: I did, sir. Yes, sir.

Answer to Question 17: I worked for part of it, part of it I sold a $\frac{1}{3}$ interest in the "Louisa" and "Capital" mines at Atlanta about 3 or 4 months ago, me and my partner, Sean West. Some I have had for a year or so, some 3 or 4 months, and some since yesterday, I drew it for wages from my boss at Horseshoe Bend.

Answer to Question 18: No, sir, I have not. Kept it in my own possession.

Affidavit of Gustave Link and Charles Nelson, correcting name of Gustave Link.

Testimony of witness, Gustave Link, at final proof.

Cross-examination of witness, John I. Wells, at final proof.

Testimony of witness, John I. Wells, at final proof.

Cross-examination of witness, John I. Wells, at final proof.

Certificate of Receiver in re discrepancy between dates of Register's Certificate and date of final proof.

Declaration of Intention of Charles Nelson to become a citizen of the United States.

Receiver's Receipt No. 2011, dated Aug. 6th, 1902.

Final Certificate No. 2011, dated Aug. 6th, 1902.

Deed from Charles Nelson to A. E. Palmer, dated March 19th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, July 10, 1903.

Conveys land described in Sworn Statement Exhibit No. 182.

Patent dated Feb. 1st, 1904, to Charles Nelson, for land described in Exhibit 182 Sworn Statement.

Plaintiff's Exhibits Nos. 183.

SAMUEL MARCUM: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 333, dated and filed March 22, 1902, for entry of South One-half of the Southeast Quarter of Section 7, and South One-half of the Southwest Quarter of Section 8, Tp. 6 North of Range 6 East, B. M.

Notice for Publication; witnesses for final proof, H. G. Allen, Joe Cox, Patrick Downs, E. A. Wil-mot.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Samuel Marcum, on final proof, dated June 12th, 1902.

Cross-examination of Samuel Marcum: Answers to Questions 16, 17 and 18 at Final Proof, on cross-examination.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Savings from my earnings; most of it for a year, had \$300.00 in money a year ago, and some horses (3). I sold them for about \$90. I have been employed steadily for past year.

Answer to Ques. 18: No, sir; keep my money in my own possession.

Testimony of witness, Homer G. Allen, at final proof.

Cross-examination of witness, Homer G. Allen, at final proof.

Testimony of witness, Erie A. Wilmot, at final proof.

Cross-examination of witness, Erie A. Wilmot, at final proof.

Receiver's Receipt No. 1834, dated June 12, 1902.

Final Certificate No. 1834, dated June 12, 1902.

Deed Samuel Marcum to A. E. Palmer, dated June 28th, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, N. P., and filed for record Feb. 29, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 183.

Patent dated Jan. 28, 1904, to Samuel Marcum, for land described in Sworn Statement of Exhibit No. 183.

Plaintiff's Exhibits Nos. 184.

WILLIAM J. MARCUM: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 361, dated and filed April 18, 1902 for entry of Lot 4, Southwest Quarter of Northwest Quarter, Section 4, Tp. 7 North of Range 5 East of Boise Meridian, and South One-half of the Southwest Quarter of Section 33, Tp. 8 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Edward Brisbin, J. H. Byro, C. J. Peterson, P. H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of William J. Marcum, on final proof, dated July 9th, 1902.

ANSWERS Given by William J. Marcum, on Final Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: Yes, sir, I did. Yes, sir.

Answer to Ques. 17: I got it out of buying & selling horses. Over a year.

Answer to Ques. 18: The 1st National Bank of Boise; most of the time I had it in horses.

Testimony of witness, C. J. Peterson, on final proof.

Cross-examination of witness, C. J. Peterson, on final proof.

Testimony of John H. Byro, witness, on final proof.

Cross-examination of John H. Byro, witness, on final proof.

Receiver's Receipt No. 1905, dated July 9, 1902.

Final Certificate No. 1905, dated July 9, 1902.

Deed of William J. Marcum, to A. E. Palmer, dated July 9, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, N. P., and filed for record July 29, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement of Exhibit No. 184.

Patent Dated Jan. 28th, 1904, to William J. Marcum, for land described in Exhibit No. 184, Sworn Statement thereof.

Plaintiff's Exhibits Nos. 185.

THOMAS F. KELLY: Residence, Boise, Idaho; occupation, stone cutter.

Sworn Statement No. 549, dated and filed Sept. 4th, 1902, for entry of Southwest Quarter of Section 10, Tp. 7 North of Range 8 East, B. M.

Notice for Publication; witnesses for final proof, Wm. E. Cavanaugh, Bert T. Parker, John I. Wells, and Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Affidavit of Thomas F. Kelley, in re date postponement of making proof.

Testimony of Thomas F. Kelly, at final proof, dated December 17, 1902.

ANSWERS Given by Thomas F. Kelly, at Final Proof on Cross-examination, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I had \$175 of my own money and borrow the balance on my personal note without mortgage from Burt L. Parker.

Answer to Ques. 18: Yes. Boise City Natl. Bank.

Testimony of witness, Bert Parker, at final proof.

Testimony of witness, Wm. E. Cavanaugh, on final proof.

Receiver's Receipt, No. 2217, dated Dec. 17, 1902.

Final Certificate No. 2217, dated Dec. 17, 1902.

Deed from Thomas F. Kelly to Horace S. Rand, dated Feb. 11th, 1903; consideration \$950.00; acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, June 23d, 1904. Conveys land described in Exhibit No. 185, Sworn Statement.

Patent dated May 13th, 1904, to Thomas F. Kelly,

for land described in Sworn Statement of Exhibit No. 185.

Plaintiff's Exhibits Nos. 186.

MOSES KEMPNER: Idaho City, Idaho; occupation, miner and rancher.

Sworn Statement No. 669, dated and filed Oct. 17, 1902, for entry of West One-half of the Northeast Quarter, Southeast Quarter of the Northeast Quarter, Section 19, and Southwest Quarter of Northwest Quarter of Section 20, Tp. 7 North of Range 8 East, B. M.

Notice for Publication; witnesses for final proof, Walter L. Wilson, Walter Joplin, Patrick H. Downs and John I. Wells.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Moses H. Kempner, at final proof, dated January 14, 1903.

ANSWERS of Moses H. Kempner, to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it from ranch and mines, and mail contract. Have had in my possession since yesterday, when I settled my contract for carrying mail.

Answer to Ques. 18: Yes. Boise County Bank, Idaho City, Idaho.

Testimony of Patrick H. Downs, witness, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Testimony of witness, John I. Wells, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Certificate of Naturalization of Moses M. Kempner.

Affidavit of Moses H. Kempner, in re postponement date of making final proof.

“UNITED STATES LAND OFFICE,

Boisè, Idaho, January 14, 1903.

Moses H. Kempner, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn statement #669 at this office on October 17, 1902, for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, Sec. 19, and SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 20, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 8th day of January, 1903; that he was unable to offer proof on said 8th day of January, and before this date, for the reason that he had not received the money due him on his mail contract.

MOSES H. KEMPNER.”

“Subscribed and sworn to before me this 14th day of January, 1903.

EDWARD E. GARRETT,

Receiver.”

Receiver's Receipt, No. 2263, dated Jan. 14, 1903.

Final Certificate No. 2263, dated Jan. 14, 1903.

Patent dated May 24, 1904, to Moses H. Kempner, for land described in Exhibit No. 186, Sworn Statement.

Plaintiff's Exhibits Nos. 187.

BEULAH B. LAKE: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 1343, dated and filed June 8, 1904, for entry of Northeast Quarter of Section 8, Tp. 6 North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses, for final proof, Curtis F. Pike, Frank Hedrick, Welmon P. Sickler, Abbie M. Briggs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Beulah B. Lake, on final proof, dated September 20, 1904.

ANSWERS Given by Beulah B. Lake to Questions 16, 17, and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: From property in Wisconsin; just got it today. Real estate.

Answer to Ques. 18: No, but my money came through Farmers and Merchants Bank, Marinette Wisconsin.

Testimony of witness, Curtis F. Pike, at final proof.

Cross-examination of witness, Curtis F. Pike, at final proof.

Testimony of witness, Abbie M. Briggs, at final proof.

Cross-examination of witness, Abbie M. Briggs, at final proof.

Receiver's Receipt, No. 3130, dated Sept. 20, 1904.

Final Certificate No. 3130, dated Sept. 20, 1904.

Letter from Register to Commissioner G. L. O. in re absent signature of claimant, on Testimony and Cross-examination.

Patent dated June 26, 1905, to Beulah B. Lake, for land described in Sworn Statement in Exhibit No. 187.

Plaintiff's Exhibits No. 188.

GERTRUDE LEWIN: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement No. 371, dated and filed April 30th, 1902, for entry Northeast Quarter of Section 28, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Roy Dye, Henry Humphrey, John W. Williams, and John I. Wells.

Non-mineral Affidavit.

Testimony of Gertrude Lewin, on final proof, dated July 18, 1902.

ANSWERS Given by Gertrude Lewin, on Cross-examination at Final Proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I had stock and produce in Nebraska and sold it. We brought a carload with us; sold about \$500.00; a year or more.

Answer to Ques. 18: No, sir. Keep my money in my own possession.

Testimony of witness, John I. Wells, on final proof.

Testimony of witness, Henry Humphrey, on final proof.

Receiver's Receipt No. 1938, dated July 18, 1902.

Final Certificate No. 1938, dated July 18, 1902.

Patent dated March 18, 1905, to Gertrude Lewin, for land described in Sworn Statement of Exhibit No. 188.

Plaintiff's Exhibit No. 189.

WILLIAM H. LEWIN: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 350, dated and filed March 28th, 1902, for entry of Northeast Quarter of Section 32, Tp. 6 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Edward E. Butler, Charley Patterson, Smith Barker and John I. Wells.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of William H. Martin, on final proof, dated June 25, 1902.

ANSWERS Given by William H. Lewin to Questions 16, 17 and 18, on Cross-examination on Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: I sold stock, grain, etc., in Nebraska when left the state. I just received my pay for stock and grain sold in Nebraska.

Answer to Ques. 18: No, sir.

Testimony of witness, Edward E. Butler, on final proof.

Cross-examination of witness, Edward E. Butler, on final proof.

Testimony of witness, Charley Patterson, on final proof.

Cross-examination of witness, Charley Patterson, on final proof.

Receiver's Receipt, No. 1893, dated June 25, 1902.

Final Certificate No. 1893, dated June 25, 1902.

Deed from William H. Lewin and Gertrude A. Lewin, dated July 15th, 1903, to A. E. Palmer; consideration \$2,000.00; acknowledged before W. H. Comstock, conveying land described in Sworn Statement, in Exhibit No. 188 and Exhibit 189, and filed for record at the request of W. E. Borah, Feb. 29, 1904.

Patent dated Jan. 28, 1904, to William H. Lewin for land described in Exhibit No. 189, Sworn Statement, thereof.

Plaintiff's Exhibits Nos. 190.

URIAH F. McBURNEY: Residence, Boise, Idaho; occupation, teamster.

Sworn Statement No. 303, dated and filed, December 23, 1901, for entry of Southeast Quarter of Section 11, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Charles M. Wilnot, Oct. Brookhart, H. H. Wells, M. D. Stephens.

Non-mineral Affidavit.

Affidavit of Publication.

ANSWERS Given by Uriah F. McBurney, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: I had enough money saved up from my freighting to pay for the land except \$100.00, I borrowed this \$100.00 from my mother-in-law, Mrs. Emma Sullivan. Some since last summer and some since yesterday.

Answer to Question 18: No, sir. Kept my money at home.

Testimony of Uriah F. McBurney, on final proof. Dated March 13, 1902.

Cross-examination of witness, Martin S. Stephenson, on final proof.

Affidavit in re correct spelling of name of witness, Arthur Brookhart; also affidavit of Uriah McBurney.

Cross-examination of witness, Arthur E. Brookhart.

Testimony of witness, Arthur E. Brookhart.

Report of Register and Receiver, in re Timber and Stone Statement No. 303.

Receiver's Receipt No. 1989, dated August 1, 1902.

Final Certificate No. 1989, dated August 1, 1902.

Certificate of Register and Receiver, in re discrepancy between dated of proof and date of Register's and Receiver's receipt.

Deed from Uriah F. McBurney and Eva B. McBurney, husband and wife, to A. E. Palmer, dated April 7th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, Feb, 29, 1904. Conveys land described in Sworn Statement Exhibit No. 190.

Patent to Uriah F. McBurney, dated Feb. 1st,

1904, for land described in Sworn Statement Exhibit No. 190.

Plaintiff's Exhibits Nos. 191.

MICHAEL KOPPAR: Residence, Centerville, Ida.; occupation, blacksmith and carpenter.

Sworn Statement No. 228, dated and filed Oct. 9, 1901, for entry of Southeast Quarter of Section 12, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, George M. Cutler, John I. Wells, Able E. Hunter and Norman H. Young.

Non-mineral Affidavit.

Affidavit of Publication.

ANSWERS Given by Michael Koppar to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. Worked for it, saved it from my earnings. I have had part of it about a year, having saved most of it during the past year.

Answer to Question 18. No, sir. Some I had in my possession and some I had loaned to friends.

Testimony of Michael Koppar, on final proof. Dated December 19th, 1901.

Cross-examination of witness, George M. Cutler, on final proof.

Testimony of witness, George M. Cutler, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Testimony of witness, John I. Wells, on final proof.

Certificate of Register and Receiver in re discrepancy between date of Register's certificate and Receiver's Receipt, and date of proof.

Receiver's Receipt No. 1994, dated Boise, Ida., August 2, 1902.

Final Certificate No. 1994, dated Boise Ida., August 2, 1902.

Patent to Michael Koppar, dated Feb. 1st, 1904, for land described in Sworn Statement Exhibit 191.

Plaintiff's Exhibits No. 192.

LUELLA JAYCOX: Residence, Boise, Idaho; occupation, homekeeper.

Sworn Statement No. 962, dated and filed July 20, 1903, for entry of Lots 4, 5, 6, and 7, Section 6, Tp. 6 North of Range 8 E., Boise Meridian.

Notice for Publication; witnesses for final proof, Orlin R. Jaycox, Burt Resser, Edward A. Lockhart, P. H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Luella Jaycox, on final proof. Dated Oct. 16, 1903.

ANSWERS Given by Luella Jaycox to Questions 16, 17 and 18, on Cross-examination, on Final Proof.

Answer to Question 16. Yes.

Answer to Question 17. My husband gave me the money over a year ago.

Answer to Question 18. Yes, Capital State Bank, Boise, Idaho.

Testimony of witness, Edward A. Lockhart, on final proof.

Cross-examination of witness, Edward A. Lockhart, on final proof.

Testimony of witness, Burt Resser, on final proof.

Cross-examination of witness, Burt Resser, on final proof.

Receiver's Receipt No. 2654, dated October 16, 1903.

Final Certificate No. 2654, dated October 16, 1903.

Letter from Register Boise L. O. to Commissioner G. L. O. in re entry of Luella Jaycox.

Patent to Luella Jaycox, August 23d, 1904, for land described in Exhibit No. 192, Sworn Statement.

Plaintiff's Exhibits Nos. 193.

ORLIN R. JAYCOX: Residence, Boise, Idaho; occupation, mining operator.

Sworn Statement No. 963, dated and filed July 20th, 1903, for entry of West One-half of the Northeast Quarter, and East One-half of the Northwest Quarter, Section 17, Tp. 6 North, of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Burt Resser, Edward A. Lockhart, Luella Jaycox, P. H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Orlin R. Jaycox, on final proof, dated, October 16, 1903.

ANSWERS Given by Orlin R. Jaycox on Cross-ex-

amination at Final Proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: From sale of property at Cripple Creek, Colo. Several years.

Answer to Ques. 18: Yes. Capital State Bank, Boise, Idaho.

Testimony of witness, Edward A. Lockhart, on final proof.

Cross-examination of witness, Edward A. Lockhart, on final proof.

Testimony of witness, Bert Resser, on final proof.

Cross-examination of witness, Bert Resser, on final proof.

Receiver's Receipt 2655, Oct. 16, 1903.

Final Certificate No. 2655, Oct. 16, 1903.

Deed from Orlin R. Jaycox and Luella Jaycox, to Horace S. Rand, dated Dec. 31, 1903; consideration \$1,600.00; acknowledged before Wm. R. Prinn, N. P., conveying land described in Sworn Statement in Exhibits Nos. 192 and 193, and filed for record July 1st, 1904, at the request of W. E. Borah.

Letter from Register to Commissioner G. L. O., in re re-entry on account of withdrawal of first entry for Forest Reserve.

Patent August 23d, 1904, to Orlin R. Jaycox, for land described in S. S. 963, Exhibit 193.

Plaintiff's Exhibits No. 194.

OLIVER JOHNSON: Residence, Minneapolis, Minn.; occupation, locomotive engineer.

Sworn Statement No. 628, dated and filed Sept. 25, 1902 and for entry of Southwest Quarter of Sec-

tion 33, Tp. 7 North of Range 4 East, B. M.

Notice for Publication; dated Sept. 25, 1902, witnesses for proof, Thomas Peterson, Ruth Peterson, Ole Hanson, and Charles H. Pratt.

Non-mineral Affidavit.

Affidavit of Publication.

Certificate of Naturalization.

Testimony of Oliver Johnson, dated January 29, 1903.

ANSWERS Given by Oliver Johnson, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I earned it and have had it for 3 years.

Answer to Ques. 18: Yes. Germania Bank, Minneapolis, Minnesota.

Testimony of witness, Thomas Peterson at final proof.

Cross-examination of witness, Thomas Peterson, on final proof.

Testimony of witness, Ole Hanson, on final proof.

Cross-examination of witness, Ole Hanson, on final proof.

Receiver's Receipt, No. 2285, dated Jan 29, 1903.

Final Certificate No. 2285, dated Jan. 29, 1903.

Deed from Oliver Johnson to A. E. Palmer, dated June 17th, 1903; consideration \$800.00; acknowledged before John H. Field, N. P. of Hennepin Co., Minn., and filed for record 27th June, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 194, Sworn Statement.

Patent dated March 24th, 1904, to Oliver Johnson, for land described in Sworn Statement, Exhibit No. 194.

Plaintiff's Exhibits Nos. 195.

WM. JUDGE: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 340, dated and filed March 25, 1902, for entry of Northeast Quarter of Section 29, Tp. 6 North of 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof; W. C. Lane, George Gibson, S. Hoover, and W. F. Noble.

Affidavit of Publication.

Non-mineral Affidavit.

Certified Copy of declaration of intention to become a citizen.

Testimony of Wm. Judge, on final proof, dated June 18, 1902.

ANSWERS Given by Wm. Judge on Final Proof, to Questions 16, 17 and 18 on Cross-examination.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: From my savings. I have had enough to pay for this land for 4 years.

Answer to Ques. 18: No, sir, keep my money in my own possession.

Testimony of witness, W. C. Lane, on final proof.

Cross-examination of witness, W. C. Lane, on final proof.

Testimony of witness, George Gibson, on final proof.

Cross-examination of witness, George Gibson, on final proof.

Receiver's Receipt, No. 1873, dated June 18, 1902.

Final Certificate, No. 1873, dated June 18, 1902.

Deed from Wm. Judge to A. E. Palmer, dated June 28, 1902; consideration \$1000.00; acknowledged before L. M. Pritchard, and filed for record Feb. 29, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 195, Sworn Statement.

Patent dated Jan. 28, 1904, to Wm. Judge for land described in Sworn Statement No. 340, in Exhibit 195.

Plaintiff's Exhibit No. 196.

BERT RESSER: Residence, Boise, Idaho; occupation, attorney at law.

Sworn Statement No. 971, dated and filed July 24, 1903, for entry of Lots 3 and 4, and South One-half of the Northwest Quarter of Section 1, Tp. 6 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, E. A. Lockhart, Luella H. Jaycox, Orlin R. Jaycox, and Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Non-saline Affidavit.

Testimony of Bert Resser, at final proof, dated October 16, 1903.

ANSWERS Given by Bert Resser, on Cross-examination at Final Proof, to Questions 16, 17 and 18.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I got the money from my

practice and from office as County Treasurer; have had this amount about 4 months.

Answer to Ques. 18: No.

Testimony of witness, E. A. Lockhart, on final proof.

Cross-examination of witness, E. A. Lockhart, on final proof.

Cross-examination of witness, E. A. Lockhart, on final proof.

Testimony of witness, Orlin R. Jaycox, on final proof.

Cross-examination of witness, Orlin Jaycox, on final proof.

Receiver's Receipt No. 2656, dated Oct. 16, 1903.

Final Certificate No. 2656, dated Oct. 16, 1903.

Letter from Register to Commissioner G. L. O., in re entry of Bert Resser being included in proposed Forest Reserve.

Deed from Bert Resser and wife, to Horace S. Rand, consideration \$800.00, dated Nov. 4th, 1903, acknowledged before L. M. Pritchard, and filed for record July 1st, 190—, at the request of W. E. Borah. Conveys land described in Exhibit No. 196, Sworn Statement.

Patent dated Aug. 23d, 1904, to Bert Resser, for land described in Sworn Statement in Exhibit No. 196.

Plaintiff's Exhibit No. 197.

Thaddeus M. Glass: Centerville, Idaho; occupation, engineer.

Sworn Statement No. 232, dated and filed Oct. 1st, 1901, for entry of Northeast Quarter of Section 13,

Tp. 7 North Range 5 East, Boise Meridian.

Notice for Publication: witnesses for final proof, Norman H. Young, William Charters, Frank Scanlan, and John I. Wells.

Non-mineral Affidavit.

Testimony of Thaddeus M. Glass, at final proof, dated December 13, 1901.

ANSWERS given by Thaddeus M. Glass, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: Savings from my wages. I have had part of it two years, have had \$1000 in the bank over a year.

Answer to Ques. 18: Yes, at the Capital State Bank, Boise, Idaho.

Cross-examination of witness, John I. Wells, on final proof.

Testimony of witness, John I. Wells, on final proof.

Testimony of witness, William D. Charters, on final proof.

Cross-examination of witness, Wm. D. Charters, on final proof.

Certificate of Register and Receiver, in re discrepancy between date of proof and Register's Certificate.

Report of Register and Receiver, in re report of Thaddeus M. Glass.

Receiver's Receipt No. 1995, dated Aug. 2, 1902.

Final Certificate No. 1995, dated Aug. 2, 1902.

Deed from Thaddeus M. Glass and wife, to A. E.

Palmer; consideration \$1000.00, dated Sept. 3d, 1902; acknowledged before Norman H. Young, N. P., and filed for record Feb. 29, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 197, Sworn Statement.

Patent dated Feb. 1st, 1904, for land described in Exhibit 197, Sworn Statement, Issued to Thaddeus M. Glass.

Plaintiff's Exhibit No. 198.

Joseph French: Residence, Boise, Idaho; occupation, miner.

Sworn Statement, No. 345, dated and filed March 26th, 1902, for entry of Southwest Quarter of Section 21, Tp. 6 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John French, Ery Wilmot, H. Allen, P. H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Joseph French, at final proof, dated June 20, 1902.

ANSWERS Given by Joseph French, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Part in salary, and part out of mines. Nearly all until last pay day. All since 18th inst.

Answer to Ques. 18: No, sir, mother has been keeping my money.

Cross-examination of Patrick H. Downs, on final proof, witness.

Testimony of Patrick H. Downs, on final proof, witness.

Testimony of witness, Ery Wilmot, on final proof.

Cross-examination of witness, Ery Wilmot, on final proof.

Receiver's Receipt No. 1882, dated June 20, 1902.

Final Certificate No. 1882, dated June 20, 1902.

Deed from Joseph French, to A. E. Palmer, June 9th, 1903; consideration \$1,000.00; acknowledged before L. M. Pritchard, and filed for record Feb. 18, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 198, Sworn Statement.

Patent dated Jan. 28, 1904, to Joseph French for land described in Sworn Statement of Exhibit No. 198.

Plaintiff's Exhibit Nos. 199.

John D. French: Residence, Boise, Idaho; occupation, clerk.

Sworn Statement No. 344, dated March 26, 1902, for entry of Southeast Quarter of Section 20, Tp. 6 North of Range 6 East, B. M.

Notice for Publication; witnesses for Final Proof, Joe French, Ery Wilmot, Homer Allen, Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of John D. French, on Final Proof, dated June 20, 1902.

ANSWERS Given by John D. French, on Cross-examination at Final Proof, to Questions 16, 17, and 18.

Answer to Question 16. I did and I do.

Answer to Question 17. It is my own earnings and savings 6 or 7 months.

Answer to Question 18. I have not.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Testimony of witness, Ery Wilmot, on final proof.

Cross-examination of witness, Ery Wilmot, on final proof.

Receiver's Receipt, No. 1883, dated June 20, 1902.

Final Certificate No. 1883, dated June 20, 1902.

Deed from John D. French to A. E. Palmer, dated June 25th, 1903; consideration \$1000; acknowledged before L. M. Pritchard, N. P., and filed for record Feb. 29, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 199, Sworn Statement.

Patent dated Jan. 28, 1904, to John D. French, for land described in Sworn Statement of Exhibit No. 199.

Plaintiff's Exhibits Nos. 200.

MRS. ALTHA GILLUM: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 313, dated and filed Dec. 26th, 1901, for entry of South One-half of the Northwest Quarter, and South One-half of the Northeast Quarter, Sec. 25, Tp. 8 North of Range 5 East, B. M.

Notice for Publication; witnesses for final proof, Martin Stephenson, W. F. Wilmot, H. Rice, John I. Wells.

Testimony of Mrs. Altha Gillum, on final proof.

Dated March 27th, 1902.

ANSWERS Given by Mrs. Altha Gillum, to Questions 16, 17 and 18, on Final Proof, Cross-examination.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. It is money I got from my father's estate at different times for 4 or 5 years, at times I had it loaned out.

Answer to Question 18. No, sir.

Testimony of witness, Wilber F. Wilmot, on final proof.

Cross-examination of witness, Wilber F. Wilmot, on final proof.

Testimony of witness, John I. Wells, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Receiver's Receipt No. 1941, dated July 18, 1902.

Final Certificate No. 1941, dated July 18, 1902.

Certificate of Register and Receiver, in re discrepancy between date of proof and Register's Certificate.

Certified copy of patent, dated Jan. 28, 1904, to Mrs. Altha Gillum, of land described in Sworn Statement Exhibit No. 200.

Patent to Mrs. Altha Gillum, dated Jan. 28, 1904, for land described in Exhibit No. 200, Sworn Statement.

Plaintiff's Exhibits Nos. 201.

JAMES H. HAMILTON: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement, No. 218, dated and filed Sept.

11th, 1901, for entry of East One-half of the Northwest Quarter and Northeast Quarter of the Southwest Quarter, and Northwest Quarter of the Northeast Quarter, of Section 22, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication, witnesses for Final Proof, Thomas Manning, Henry A. Snow, Patrick H. Downs, William T. Snow.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of James H. Hamilton, on Final Proof, dated Nov. 27, 1901.

ANSWERS Given by James H. Hamilton, to Questions 16, 17, and 18, on Final Proof, cross-examination.

Answer to Question 16. Yes, sir. Yes.

Answer to Question 17. I had a tract of land in Northern Wisconsin, which I sold last spring, have had the money since then.

Answer to Question 18. I have. With three banks since May last. Bank of Phillips, Wis., Farmer and Mechanic Bank of Minneapolis, and Capital State Bank of Boise.

Testimony of witness, William F. Snow, on final proof.

Cross-examination of witness, William F. Snow, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Receiver's Receipt, No. 1986, dated July 29, 1902.

Final Certificate, No. 1986, dated July 29, 1902.

Certificate of Register and Receiver in re discrepancy between date of Proof and Register's certificate.

Deed from James H. Hamilton to A. E. Palmer, dated February 12th, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, June 29, 1903. Conveys land described in Sworn Statement Exhibit No. 201.

Patent to James H. Hamilton, dated Feb. 1st, 1904, for land described in Sworn Statement of Exhibits Nos. 201.

Plaintiff's Exhibits Nos. 202.

EARL A. HARRINGTON: Residence, Boise, Ida.; occupation, miner.

Sworn Statement No. 857, dated and filed May 28th, 1903, for entry of the Northeast quarter of the Northwest Quarter and North One-half of the Northeast Quarter Section 23 and the Southwest Quarter of the Northwest Quarter of Sec. 24 in Tp. 7 North of Range 8 East of B. M.

Notice for Publication; witnesses for final proof, Rollin C. Lothrop, Elmer G. Dodds, Lee J. Roberts, Hannah Dodds.

Affidavit of Publication.

Non-mineral Affidavit.

Affidavit of Earl A. Harrington, in re postponement date of final proof.

Testimony of Earl A. Harrington, on final proof, dated Aug. 19, 1903.

ANSWERS Given by Earl A. Harrington, on Cross-examination, at Final Proof, to Questions 16, 17 and 18.

Answer to Question 16. Yes.

Answer to Question 17. Most of the money I received from Life Insurance company, Policy of my Grandfather, have held same nearly 3 years.

Answer to Question 18. No. Have some in the First National Bank of Denver. The particular money I am using now I have had in my personal possession.

Cross-examination of witness, Elmer G. Dodds, on final proof.

Testimony of witness, Elmer G. Dodds, on final proof.

Cross-examination of witness, Rollin C. Lothrop, on final proof.

Testimony of witness, Rollin C. Lothrop, on final proof.

Receiver's Receipt No. 2538, dated August 19, 1903.

Final Certificate No. 2538, dated August 19, 1903.

Deed from Earl A. Harrington to Horace S. Rand, dated Sept. 10, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, N. P., and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 202. Sworn Statement.

Patent to Earl A. Harrington, dated August 23, 1904, for land described in Sworn Statement Exhibit 202.

Plaintiff's Exhibits Nos. 203.

ROY DYE: Residence, Boise, Idaho; occupation, barber.

Sworn Statement No. 370, dated and filed April 29, 1902, for entry of the Southeast Quarter of Section 15, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Gertrude Lewin, Henry Humphrey, John W. Williams, John I. Wells.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Roy Dye, on Final Proof. Dated July 18th, 1902.

ANSWERS Given by Roy Dye, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: From farming in Neb. and stock-raising, and from my wages, last two years.

Answer to Question 18: At present none. Have had an account with Scandaniva Bank at Seattle, during last six months.

Testimony of witness, Henry Humphrey, on final proof.

Testimony of witness, John I. Wells, on final proof.

Receiver's Receipt No. 1939, dated July 18, 1902.

Final Certificate No. 1939, dated July 18, 1902.

Deed from Roy Dye to A. E. Palmer, dated July 19, 1902; consideration \$1000.00; acknowledged before L. M. Pritchard, N. P., and filed for record at

the request of W. E. Borah, June 27, 1904, Conveys land described in Sworn Statement of Exhibit No. 203.

Plaintiff's Exhibits Nos. 204.

JOSEPH EHLMANNTRAUT, Jr.: Residence, Boise, Idaho; occupation, butcher.

Sworn Statement No. 1051, dated and filed Sept. 14th, 1903, for entry of Northwest Quarter of Section 15, Tp. 6 North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Frank Martin, Wheeler Martin, Cleora Snow, and John K. Woodburn.

Affidavit of Publication.

Non-mineral Affidavit.

ANSWERS Given by Joseph Ehrmanntraut, Jr., to Question 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16: Yes.

Answer to Question 17: From the sale of a brewery in Jan., 1901.

Answer to Question 18: Boise City National Bank.

Testimony of Joseph Ehrmanntraut, Jr., on final proof. Dated December 15th, 1903.

Testimony of witness, Wheeler Martin, on final proof.

Cross-examination of witness, Wheeler Martin, on final proof.

Testimony of witness, Frank Martin, on final proof.

Cross-examination of witness, Frank Martin, on final proof.

Application of Joseph Ehrmanntraut, Jr., to become a citizen of U. S.

Receiver's Receipt No. 2775, dated Dec. 15, 1903.

Final Certificate No. 2775, dated Dec. 15, 1903.

Deed from Joseph Ehrmanntraut, Jr., and Margaret M. his wife, to George S. Long, dated December 24th, 1903; consideration \$1600.00; acknowledged before C. H. Roberts, Filed for record July 1st, 1904, at the request of W. E. Borah. Conveys lands described in Exhibit No. 204 and 205 Sworn Statements.

Patent to Joseph Ehrmanntraut, Jr., dated December 1st, 1904, for land described in Sworn Statement No. 1051 of Exhibit No. 204.

Plaintiff's Exhibit No. 205.

MARGARET M. EHRMANNTRAUT: Residence, Boise, Idaho; occupation, housekeeper.

Sworn Statement No. 1057, dated and filed Sept. 14th, 1903, for entry of Southeast Quarter of Section 15, Tp. 6 North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Cleora M. Snow, Frank Martin, Wheeler Martin, Harry B. Noble.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Margaret M. Ehrmanntraut, on final proof, dated December 15, 1903.

ANSWERS Given by Margaret M. Ehrmanntraut, on Cross-examination to Questions 16, 17 and 18 at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I got this money from my husband; I received it this morning.

Answer to Ques. 18: No, my husband keeps an account at the Boise City Natl. Bank.

Testimony of witness, Wheeler Martin, on final proof.

Cross-examination of witness, Wheeler Martin, on final proof.

Testimony of witness, Frank Martin, on final proof.

Cross-examination of witness, Frank Martin, on final proof.

Receiver's Receipt No. 2776, dated Dec. 15, 1903.

Final Certificate No. 2776, dated Dec. 15, 1903.

Patent to Margaret M. Ehrmanntraut, dated March 18, 1905, for land described in Exhibits No. 205, Sworn Statement thereof.

Plaintiff's Exhibit No. 206.

GEORGE H. ENSWORTH: Residence, Boise, Idaho; occupation, druggist and pharmacist.

Sworn Statement No. 329, dated and filed March 21st, 1902, for entry of East One-half of the Southeast Quarter, and East One-half of the Northeast Quarter, Section 19, Tp. 6 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, L. M. Pritchard, S. M. Blandford, A. R. Flanders, P. H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Cross-examination of George H. Ensworth, by Special Agent, L. L. Sharp, and answers to same.

ANSWERS Given by George H. Ensworth, to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 18: No, I have not.

Answer to Ques. 17: I got it from selling my interest in the Idaho Investment Co. to Mr. Pritchard. Several days.

Testimony of George H. Ensworth, at final proof, dated June 11th, 1902.

Cross-examination of witness, P. H. Downs, on final proof.

Testimony of witness, P. H. Downs, on final proof.

Cross-examination of witness, L. M. Pritchard, on final proof.

Testimony of witness, L. M. Pritchard, on final proof.

Receiver's Receipt, 1840, dated June 13, 1902.

Final Certificate No. 1840, dated June 13, 1902.

Deed from George H. Ensworth and Eva D. Ensworth, to A. E. Palmer, June 18, 1902; consideration, \$1,700.00; acknowledged before L. M. Pritchard, Notary Public, and filed for record, October 5th, 1903, at the request of W. E. Borah. Conveys land described in Exhibit No. 206, Sworn Statement.

Patent dated Jan. 28, 1904, to George H. Ensworth, for land described in Exhibit No. 206, Sworn Statement.

Plaintiff's Exhibit No. 207.

VICTORIA LOUISE EOFF: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 1398, dated and filed July 12th, 1904, for entry of West One-half of the Southeast Quarter, Southeast Quarter of Southeast Quarter of Section 8, and Northeast Quarter of Northeast Quarter, Section 17, Tp. 6 North of Range 6 East, B. M.

Notice for Publication; witnesses for final proof, Mary E. Ridenbaugh, Gertrude L. Hays, Henry Wesenberg, Sydney Smith.

Affidavit of Publication.

Non-mineral Affidavit.

Non-alienation Affidavit.

Testimony of Victoria Louise Eoff, on final proof, dated October 25, 1904.

ANSWERS Given by Victoria Louise Eoff, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: This money came from an investment in shares in Building & Loan Association; have had it for five years.

Answer to Ques. 18: Have this deposited in Boise City National Bank, Boise, Idaho.

Testimony of witness, Gertrude L. Hays, on final proof.

Cross-examination of witness, Gertrude L. Hays, on final proof.

Testimony of witness, Sydney Smith, on final proof.

Cross-examination of witness, Sydney Smith, on final proof.

Receiver's Receipt No. 3181, Oct. 25, 1904.

Final Certificate No. 3181, dated Oct. 25, 1904.

Patent to Victoria Louise Eoff, dated May 5th, 1905, for land described in Sworn Statement, Exhibit No. 207.

Plaintiff's Exhibit No. 208.

ANNA FISHER: Residence, Idaho City, Idaho; occupation, housewife.

Sworn Statement No. 1040, dated and filed Sept. 14, 1903, for entry of East One-half of the Southeast Quarter, Northwest Quarter of the Southeast Quarter, and Southwest Quarter of the Northeast Quarter, Section 12, Tp. 6 North of Range 4 East, B. M.

Notice for Publication; witnesses for final proof, George G. Eagleson, Mary J. Eagleson, Thomas L. Martin and Joseph Penrod.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Anna Fisher, at final proof, dated December 11, 1903.

ANSWERS Given by Anna Fisher, to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir; I do.

Answer to Ques. 17: My husband gave it to me; one month.

Answer to Ques. 18: No, sir.

Testimony of witness Joseph Penrod, at final proof.

Cross-examination of witness, Joseph Penrod, at final proof.

Testimony of witness, Thos. L. Martin, at final proof.

Cross-examination of witness, Thos. L. Martin, at final proof.

Non-alienation Affidavit, at final proof.

Receiver's Receipt No. 2767, dated Dec. 11, 1903.

Final Certificate No. 2767, dated Dec. 11, 1903.

Deed from Anna Fisher and husband H. S., to George L. Long; consideration \$1,000.00, dated Feb. 29, 1904, acknowledged before Kate Gorman, Clerk of the District Court in and for Boise County, Idaho; filed for record July 1st, 1904, by W. E. Borah. Conveys land described in Exhibit No. 208, Sworn Statement.

Patent to Anna Fisher, dated Dec. 1st, 1904, for land described in Sworn Statement of Exhibits No. 208.

Plaintiff's Exhibit No. 209.

URIAH FLINT: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 301, dated and filed Dec. 21, 1901, for entry of Northeast Quarter of Section 35, Tp. 8 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Samuel Swan, H. H. Wells, Patrick H. Downs, and John I. Wells.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Uriah Flint at final proof, dated March 12th, 1902.

ANSWERS Given by Uriah Flint, to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: From selling horses and

working for it; I sold a few to an English agent; some of it about a year. I have been selling horses during the year. I borrowed none.

Answer to Ques. 18: No, sir, not lately.

Testimony of witness, Patrick H. Downs on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Testimony of witness, Samuel Swan, on final proof.

Cross-examination of witness, Samuel Swan, on final proof.

Receiver's Receipt No. 1953, dated July 21, 1902.

Final Certificate No. 1953, dated July 21, 1902.

Certificate of Register and Receiver, in re discrepancy between date of Proof and Register's Certificate.

Deed of Uriah Flint, to A. E. Palmer, dated Aug. 5, 1902; consideration \$1,000.00, acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, Feb. 29, 1904, Conveys land described in Sworn Statement, Exhibit No. 209.

Patent to Uriah Flint, dated Feb. 1st, 1904, for land described in Sworn Statement, Exhibit No. 209.

Plaintiff's Exhibit No. 210.

JOHN CHRISTENSON: Residence, Boise, Idaho; occupation, upholsterer.

Sworn Statement No. 522, dated and filed Aug. 27, 1902, for entry of Northeast Quarter of Section 25, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof,

James Olsen, Howard Elliott, Emma Elliott, Wm. Humphrey.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of John Christenson, on final proof, dated November 21, 1902.

ANSWERS Given by John Christenson, to Questions 16, 17 and 18, on Final Proof, Cross-examination.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I worked for \$250.00 of the amount, and borrowed the balance from my brother in law, Frank Hurt of Seattle; have had \$250.00 in my possession for about a year.

Answer to Ques. 18: No, kept it my own possession, and in safe where working.

Testimony of witness, Jens Olsen at final proof.

Testimony of witness, Wm. Humphrey, at final proof.

Receiver's Receipt No. 2177, dated Nov. 21, 1902.

Final Certificate No. 2177, dated Nov. 21, 1902.

Report of L. L. Sharp, Special Agt. G. L. O., to Commissioner G. L. O., in re-entry of John Christenson.

Deed from John Christenson to A. E. Palmer, dated Nov. 22, 1902, consideration \$800.00; acknowledged before D. D. Williams, N. P., and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 210, Sworn Statement.

Plaintiff's Exhibit No. 211.

GEORGE M. CUTLER: residence, Centerville, Idaho; occupation, stage-driver.

Sworn Statement No. 239, dated and filed October 9, 1901, for entry of Northwest Quarter of Section 13, Tp. 7 North of Range 5 East, B. M.

Notice for Publication; witnesses for final proof, Michael Koppas, John I. Wells, Able E. Hunter, and Norman H. Young.

Non-mineral Affidavit.

Testimony of George M. Cutler, at final proof, dated December 19, 1901.

ANSWERS to Questions 16, 17 and 18 of George M.

Cutler, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques: 17. Working and having my money the last 7 or 8 years; had all of it about a week; had some loaned and just got it collected in.

Answer to Ques. 18: No, sir. Carry it with me most of the time.

Testimony of witness, John I. Wells, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Testimony of witness, Michael Koppas, on final proof.

Cross-examination of witness, Michael Koppas, on final proof.

Receiver's Receipt No. 1978, dated July 26th, 1902.

Final Certificate No. 1978, dated July 26, 1902.

Deed from George M. Cutler to A. E. Palmer, dated Aug. 13, 1902; consideration \$1,000.00; acknowledged before L. M. Pritchard, N. P. and filed for record, Feb. 29, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 211,

Sworn Statement.

Patent to George M. Cutler, dated Feb. 1st, 1904, for land described in Exhibit No. 211, Sworn Statement.

Plaintiff's Exhibit No. 212.

WILLIAM E. CAVANAUGH: Boise, Idaho; occupation, stone-cutter.

Sworn Statement No. 550, dated and filed Sept. 4th, 1902, for entry of North One-half of the Northwest Quarter and North One-half of the Northeast Quarter of Section 15, Tp. 7 North of Range 8 East, B. M.

Notice for Publication; witnesses for final proof, Bert Parker, Thomas F. Kelly, John I. Wells, and Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Wm. E. Cavanaugh, on final proof, dated December 26, 1902.

ANSWERS Given by Wm. E. Cavanaugh, to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I borrowed part of it from Bert Parker, some from T. F. Kelley and I have had the balance in my possession two days. Collected for contract work.

Answer to Ques. 18: No.

Further Examination of Wm. E. Cavanaugh, by Receiver.

Testimony of witness, Thomas F. Kelly, on final proof.

Cross-examination of witness, Thomas F. Kelly, on final proof.

Testimony of witness, Bert Parker, on final proof.

Cross-examination of witness, Bert Parker, on final proof.

Further Examination of witness, Thomas F. Kelly, on final proof, by Receiver.

AFFIDAVIT OF WM. E. CAVANAUGH, IN RE
POSTPONEMENT DATE OF MAKING
FINAL PROOF.

“UNITED STATES LAND OFFICE.

Boise, Idaho, December 26, 1902.

William E. Cavanaugh, being first duly sworn, deposes and says: That he is the identical person who made timber and stone sworn statement #550, at this office on September 4, 1902, for the purchase of the N. $\frac{1}{2}$ of NW. $\frac{1}{4}$, and N. $\frac{1}{2}$ of NE. $\frac{1}{4}$, Sec. 15, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 16th day of December, 1902; that he was unable to offer such proof and make the necessary payments on said 16th day of December, or any succeeding date until this date, for the reason that he had been disappointed in securing the necessary amount of money and that he was unable to secure such money until this date.

WILLIAM E. CAVANAUGH.

Subscribed and sworn to before me this 26th day of December, 1902.

EDWARD E. GARRETT,
Receiver.”

AFFIDAVIT OF WM. E. CAVANAUGH, REQUESTING POSTPONEMENT MAKING DATE OF PROOF, AND ASSIGNING REASONS THEREFOR.

“United States Land Office,
Boise, Ada County, Idaho,—ss.

William E. Cavanaugh, of Boise, Ada County, Idaho, being first duly sworn, deposes and says that he is the identical person who on the 4th day of September, 1902, filed in the Boise City Land Office sworn statement No. 550, for the purchase of the N. $\frac{1}{2}$ NW. $\frac{1}{4}$, and N. $\frac{1}{2}$ NE. $\frac{1}{4}$ of Section No. 15, in Township No. 7 North of Range No. 8 East, of the Boise Meridian, Boise County, Idaho, and that due notice was thereafter given by posting in the Boise City Land Office, and publishing in the “Idaho World,” a weekly newspaper, published in Idaho City, Boise County, Idaho, fixing Tuesday, December 16th, 1902, for making proof that the land sought is more valuable for its timber than for agricultural purposes, and to establish the claim of this affiant to said tract of land before the Register and Receiver of said Land Office.

Affiant further says that at the time he made his application for said tract of land, and gave notice for making proof as aforesaid, he expected to have the money on hand to pay for said tract; that he has been disappointed in getting said money with which to make payment for said land, and he therefore requests that his time for making proof may be extended for a period of not more than ten days as

within said time he will be able to secure the money with which to make said payment.

Affiant further says that he is a cut stone contractor operating within Boise, Idaho, and has about completed a contract on the St. Alphonsus Hospital, and that when said contract is completed that there will be due and coming to this affiant, more than enough money to enable him to pay for said land.

WILLIAM E. CAVANAUGH.

Subscribed and sworn to before me, this 17th day of December, 1902.

EDWARD E. GARRETT,

Receiver."

Receiver's Receipt No. 2245, December 26, 1902.

Final Certificate No. 2245, December 26, 1902.

Deed from Wm. E. Cavanaugh, to Horace S. Rand, Feb. 11, 1903; consideration \$800.00; acknowledged before L. M. Pritchard, N. P., and filed for record, June 23d, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 212.

Patent to Wm. E. Cavanaugh, dated May 13, 1904, for the land described in Exhibit No. 212, Sworn Statement.

Plaintiff's Exhibit No. 213.

CHARLES W. CLAWSON: Residence, Boise, Idaho; occupation, contractor and foreman.

Sworn Statement No. 1049, dated and filed Sept. 14, 1903, for entry of Southwest Quarter of Section 29, Tp. 6, North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses, Joseph Penrod,

Wilbert R. Reeves, George R. Avery, Andrew Campbell.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Charles W. Clawson, at final proof, dated December 15, 1903.

ANSWERS of Charles W. Clawson to Questions 16, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: From my earnings; have had it for two months.

Answer to Ques. 18: No, I have kept the money at home.

Testimony of witness, Andrew Campbell, on final proof.

Cross-examination of witness, Andrew Campbell, at final proof.

Testimony of witness, George R. Avery, on final proof.

Cross-examination of witness, George R. Avery, on final proof.

Receiver's Receipt No. 2778, dated Dec. 15, 1903.

Final Certificate No. 2778, dated Dec. 15, 1903.

Deed, Charles W. Clawson and wife, to George S. Long, dated Dec. 24th, 1903, \$800.00; acknowledged before Walter S. Walker, N. P., and filed for record, July 1st, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 213.

Patent to Charles W. Clawson, dated Dec. 1st, 1904, for land described in Exhibit No. 213, Sworn Statement.

Plaintiff's Exhibit No. 214.

EDWARD J. DOCKERY: Residence, Boise, Idaho; occupation, attorney at law.

Sworn Statement No. 584, dated and filed Sept. 15, 1902, for entry of East One-half of the Southeast Quarter and Southwest Quarter of Southeast Quarter, and Southeast Quarter of Southwest quarter of Section 24, Tp. 7, North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, J. M. Neil, Patrick H. Downs, and John I. Wells, W. E. Cavanaugh.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Edward J. Dockery, at final proof, dated December 22, 1902.

ANSWERS Given by Edward J. Dockery, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: This particular money I borrowed from Mr. E. J. Watters of Boise. Mr. Watters is in mining business. Four days. Personal note; he is an old friend for 15 years.

Answer to Ques. 18: Yes, sir. 1st Natl. & Bank of Commerce, Boise.

Testimony of witness, Patrick H. Downs, on final proof.

Testimony of witness, J. M. Neil, on final proof.
AFFIDAVIT OF E. J. DOCKERY, IN RE POST-
PONEMENT DATE OF FINAL PROOF.

“UNITED STATES LAND OFFICE.

Boise, Idaho, December 22, 1902.

Edward J. Dockery, being first duly sworn, deposes and says: That he is the identical person who made timber and stone sworn statement #584, at this office on September 15, 1902, for the purchase of the E. $\frac{1}{2}$ of SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of SW. $\frac{1}{4}$, Sec. 24, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 17th day of December, 1902; that the reason he did not make proof on the day advertised is that the funds did not arrive on said day or until this day.

E. J. DOCKERY.

Subscribed and sworn to before me, this 22d day of December, 1902.

EDWARD E. GARRETT,
Receiver.”

Final Certificate No. 2231, Dec. 22, 1902.

Receiver's Receipt No. 2231, dated Dec. 22, 1902.

Deed from Edward J. Dockery and Eva Hunt Dockery, to Horace S. Rand; consideration \$1800.00; dated Feb. 11, 1903; acknowledged before H. W. Dunton, N. P., and filed for record at the request of W. E. Borah, June 23d, 1904. For land embraced in Exhibits 214 and 215, in Sworn Statements thereof.

Patent to E. J. Dockery, dated May 13, 1904, for land embraced in Exhibit No. 214, Sworn Statement.

Plaintiff's Exhibit No. 215.

EVA HUNT DOCKERY: Residence, Boise, Idaho; occupation, librarian.

Sworn Statement No. 583, dated and filed Sept. 15, 1902, for entry of Lots 3 and 4, in the South One-half of the Northwest Quarter of Section 4, Tp. 7 North of Range 8 East, B. M.

Notice for Publication; witnesses for final proof, J. M. Neil, Patrick H. Downs, John I. Wells, Maude Pitman Neil.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Eva Hunt Dockery, at final proof, dated December 20, 1902.

ANSWERS Given by Eva Hunt Dockery to Questions 6, 17 and 18 on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: I earned it and have had it for a year and a half. Been loaned last six months; was not here on the 17th of December.

Answer to Ques. 18: Yes, Capital State Bank.

Testimony of witness, Patrick H. Downs, on final proof.

Testimony of witness, J. M. Neil, on final proof.

Receiver's Receipt No. 2230, dated Dec. 20, 1902.

Final Certificate No. 2230, dated Dec. 20, 1902.

Patent dated May 13th, 1904, to Eva Hunt Dockery for land described in Exhibit No. 215, Sworn Statement.

Plaintiff's Exhibits Nos. 216.

JOHN U. CASSELL: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 297, dated and filed December 19th, 1901, for entry of Southwest Quarter of Section 25, Tp. 8 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John I. Wells, Dora E. Burns, Patrick H. Downs, John R. Gary.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of John U. Cassell, on final proof. Dated March 7th, 1902.

ANSWERS Given by John U. Cassell, to Questions 16, 17 and 18, on Cross-examination on Final Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: From my mother, a loan, and Mrs. M. E. Cassel, of Jacksonville, Ill. About 4 or 5 days.

Answer to Question 18: No, sir.

Testimony of witness, John R. Gary, on final proof.

Cross-examination of witness, John R. Gary, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Receiver's Receipt No. 2148, November 5, 1902.

Final Certificate No. 2148, November 5, 1902.

Affidavit of John U. Cassell, correcting spelling of name, Receiver's Office.

Certificate of Register and Receiver, in re discrepancy between date of proof and Register's Certificate.

Deed from John U. Cassell, to A. E. Palmer, dated March 19th, 1903; consideration \$900.00; acknowledged before L. M. Pritchard, N. P., and filed for record June 27th, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 216.

Patent to John U. Cassell, dated Feb. 1st, 1904, for land described in Exhibit No. 216, Sworn Statement.

Plaintiff's Exhibit No. 217.

ANDREW CAMPBELL: Residence, South Boise, Idaho; occupation, laborer and contractor.

Sworn Statement No. 1053, dated and filed Sept. 14th, 1903, for entry of the Northwest Quarter of Section 21, Tp. 6 North of Range 4 East, Boise, Meridian.

Notice for Publication; witnesses for final proof, Wilbert R. Reeves, Joseph Penrod, George R. Avery, Charles W. Clawson.

Affidavit of Publication.

Non-mineral Affidavit.

Declaration of Intention of Andrew Campbell, to become citizen of the United States.

Testimony of Andrew Campbell, on final proof. Dated December 16, 1903.

ANSWERS Given by Andrew Campbell to Ques-

tions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: I did. I do.

Answer to Question 17: From my earnings. Have had money about 3 months.

Answer to Question 18: In Capital State Bank, Bank of Commerce, Boise, Idaho.

Testimony of witness, George R. Avery, on final proof.

Cross-examination of witness, George R. Avery, on final proof.

Testimony of witness, Charles W. Clawson, on final proof.

Cross-examination of witness, Charles W. Clawson, on final proof.

Receiver's Receipt No. 2782, dated Dec. 16, 1903.

Final Certificate No. 2782, dated Dec. 16, 1903.

Deed from Andrew Campbell, to George S. Long, dated December 28, 1903; consideration \$800.00; acknowledged before W. S. Walker, Notary Public, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 217, in Sworn Statement therein.

Patent to Andrew Campbell, dated December 1st, 1904, for land described in Exhibit 217, Sworn Statement.

Plaintiff's Exhibit No. 218.

ABBIE M. BRIGGS: Residence, Marinette, Wisconsin; occupation, housewife.

Sworn Statement No. 1342, dated and filed June 8th, 1904, for entry of Southwest Quarter of the Northeast Quarter, North One-half of the South-

east Quarter, and Southwest Quarter of the Southeast Quarter, Section 5, Tp. 6 North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses for final proof, William R. Lake, Beulah B. Lake, Curtis F. Pike and Frank Hedrick.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Abbie M. Briggs, on final proof.
Dated Sept. 20th, 1904.

ANSWERS Given by Abbie M. Briggs to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16: Yes.

Answer to Question 17: Have saved it for a number of years.

Answer to Question 18: Yes, Marienette, Wis.

Testimony of witness, Curtis F. Pike, on final proof.

Cross-examination of witness, Curtis F. Pike, on final proof.

Testimony of witness Beulah B. Lake, on final proof.

Cross-examination of witness, Beulah B. Lake, on final proof.

Receiver's Receipt No. 3129, dated Sept. 20, 1904.

Final Certificate No. 3129, dated Sept. 20, 1904.

Deed from Abbie M. Briggs, to Barber Lumber Co., dated September 29, 1904; consideration \$800.00; acknowledged before John J. Blake, Notary Public, and filed for record at the request of W. E. Borah, Oct. 12, 1904. Conveys land in Sworn

Statement Exhibit No. 218.

Patent to *Babbie M. Briggs*, dated April 17, 1905, for land described in Exhibit No. 218. Sworn Statement.

Plaintiff's Exhibit No. 219.

ADELLA C. BROOKHART: Residence, Boise, Ida.; occupation, housewife.

Sworn Statement No. 346, dated and filed March 26th, 1902, for entry of South One-half of the Southwest Quarter and South One-half of the Southeast Quarter of Section 17, Tp. 6 North of Range 6 East Boise Meridian.

Notice for Publication; witnesses for final proof, F. Thurman, L. T. Thurman, P. H. Downs and John I. Wells.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Adella C. Brookhart, on final proof. Dated June 17th, 1902.

ANSWERS Given by Adella C. Brookhart, to Questions 16, 17 and 18, on Final Proof, Cross-examination thereof.

Answer to Question 16: Yes, sir, I did. Yes, sir, I do.

Answer to Question 17: Out of my income. We sold our farm in Nebraska last fall, I used some of this money, most of the money come from running the boarding-house. My husband gave it to me this morning, which money belonged to us.

Answer to Question 18: No, sir; we keep our money in our own possession.

Testimony of witness, Lola T. Thurman, on final proof.

Cross-examination of witness, Lola T. Thurman, on final proof.

Testimony of witness, Frederick Thurman, on final proof.

Cross-examination of witness, Frederick Thurman, on final proof.

Receiver's Receipt No. 1869, dated June 17, 1902.

Final Certificate No. 1869, dated June 17, 1902.

Deed from J. Frank Brookhart and Adella C. Brookhart, dated August 1st, 1903, to A. E. Palmer; consideration \$1000.00; acknowledged before L. M. Pritchard, N. P., and filed for record, Feb. 18, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 219. Sworn Statement.

Patent issued to Adella C. Brookhart, dated Jan. 28, 1904, to land described in Sworn Statement of Exhibit 219.

Plaintiff's Exhibit No. 220.

EDGAR E. BUSH: Residence, Boise, Ida; occupation, teamster and lumberman.

Sworn Statement No. 616, dated and filed Sept. 24th, 1902, for entry of South One-half of the Northwest Quarter and Northeast Quarter of the Northwest Quarter, and Northwest Quarter of the Southwest Quarter, Section 21, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, George W. Butler, Walter Joplin, Patrick H. Downs, and John I. Wells.

Affidavit of Publication.

Notice for re-publication, witnesses for final proof, George W. Butler, Walter Joplin, Patrick H. Downs, and John I. Wells.

AFFIDAVIT OF EDGAR E. BUSH, REQUEST-
ING POSTPONEMENT DATE OF MAK-
ING FINAL PROOF AND ASSIGNING
REASONS FOR THE SAME.

“United States Land Office,
Boise City, Idaho.

State of Idaho,
County of Ada,—ss.

Edgar E. Bush, being first duly sworn deposes and says: That he is a citizen of the United States over the age of 21 years; and the identical person, who, on the 29th day of September, 1902, made Timber and Stone Sworn Statement No. 616 for the purchase of the S. $\frac{1}{2}$ of NW. $\frac{1}{4}$; NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SW. $\frac{1}{4}$ of Section No. 21, in Township No. 7 North of Range eight East of Boise Meridian; that at the time set for proving up on said land, to-wit, the 23rd day of January, 1903, affiant was unable to offer proof for the reason that he had not sufficient money; that affiant and his mother, Francis A. King, were the owners of a piece of Real Estate in Raymond, Montgomery County, State of Illinois; that affiant deeded his interest in said property to his mother; that his mother was to sell the property and did sell the same, but as yet she has not remitted affiant his share of the money; that if affiant had received his

share of said money he would have had enough money to purchase said land; that affiant therefore asks that a new time be set for proving up on said land and that a new notice of the time set for proving up be published.

EDGAR E. BUSH.

Subscribed and sworn to before me, this 2d day of February, 1903.

HARRY J. SYMS,
Register.

State of Idaho,
County of Ada,—ss.

Charles B. Knox, of South Boise, Ada County, State of Idaho, being first duly sworn deposes and says, that he is a citizen of the United States over the age of 21 years; that he has read the foregoing affidavit and knows the contents thereof, and that the same is true of his own knowledge.

CHARLES B. KNOX.

Subscribed and sworn to before me this 2d day of February, 1903.

HARRY J. SYMS,
Register."

Non-mineral Affidavit.

Testimony of Edgar E. Bush, at final proof.
Dated May 4th, 1903.

ANSWERS Given by Edgar E. Bush, to Questions
16, 17 and 18, on Cross-examination at Final
Proof.

Answer to Question 16: Yes, sir.

Answer to Question 17: Worked for it and saved

it at different times, some one year. Had sufficient to make for 2 weeks.

Testimony of witness, Walter Joplin, on final proof.

Cross-examination of witness Walter Joplin, on final proof.

Testimony of witness, George W. Butler, on final proof.

Cross-examination of witness, George W. Butler, on final proof.

Receiver's Receipt No. 2404, dated May 4, 1903.

Final Certificate No. 2404, dated May 4, 1903.

Deed from Edgar E. Bush, to Horace S. Rand, May 15th, 1903; consideration \$1000.00; acknowledged before L. M. Pritchard, and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Exhibit No. 220, Sworn Statement.

Patent to Edgar E. Bush, dated July 26, 1904, for land described in Sworn Statement Exhibit No. 220.

Plaintiff's Exhibit No. 221.

JOHN H. BYRO: Residence, Boise, Idaho; occupation, laborer.

Sworn Statement No. 362, dated and filed April 18, 1902, for entry of Southeast Quarter of the Southwest Quarter of Section 1, East One-half of the Northwest Quarter; Southwest Quarter of the Northwest Quarter of Section 12, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Edward Brisbin, William J. Marcum, C. J. Peterson and P. H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of John H. Byro, on final proof.

Dated July 11th, 1902.

ANSWERS Given by John H. Byro to Questions
16, 17 and 18, on Cross-examination at Final
Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: I got part of it since I
came here working. Part I earned before. I had
about \$400.00 or \$500.00 when I came.

Answer to Question 18: The 1st National Bank,
Boise.

Testimony of witness, Edward Brisbin, on final
proof.

Cross-examination of witness, Edward Brisbin,
on final proof.

Testimony of witness, William J. Marcum, on
final proof.

Cross-examination of witness, William J. Mar-
cum, on final proof.

Receiver's Receipt No. 1910, July 11, 1902.

Final Certificate No. 1910, July 11, 1902.

Deed from John H. Byro, to A. E. Palmer, dated
July 12, 1902; for consideration of \$1000.00; ac-
knowledged before L. M. Pritchard, N. P., and filed
for record Feb. 17, 1904, at the request of W. E.
Borah. Conveys land described in Exhibit No. 221,
Sworn Statement.

Patent to John H. Byro, dated January 28, 1904,
for land described in Exhibits No. 221, Sworn State-
ment.

Plaintiff's Exhibit No. 222.

HORTENSE D. HORNER: Residence, Boise, Ida.; occupation, housekeeper.

Sworn Statement No. 942, dated and filed July 10, 1903, for entry of West One-half of the Northeast Quarter, and the East One-half of the Northwest Quarter of Section 22, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Willard C. Austin, Ada V. Austin, Samuel S. Horner and Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Hortense D. Horner, at final proof, dated Oct. 9th, 1903.

ANSWERS Given by Hortense D. Horner to Questions 16, 17 and 18, on Final Proof, Cross-examination.

Answer to Question 16: I did. I do.

Answer to Question 17: My husband gave it to me.

Answer to Question 18: No.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness Patrick H. Downs, on final proof.

Testimony of witness, Willard C. Austin, on final proof.

Cross-examination of witness, Willard C. Austin, on final proof.

Non-alienation Affidavit.

Receiver's Receipt No. 2637, dated October 9, 1903.

Final Certificate No. 2637, dated October 9, 1903.

Patent to Hortense D. Horner, dated Sept. 9, 1904, for land described in Sworn Statement, Exhibit 222.

Plaintiff's Exhibit No. 223.

SAMUEL C. BOWEN: Residence, Centerville, Ida.; occupation, mine owner and operator.

Sworn Statement No. 328, dated and filed March 17th, 1902, for entry of Southwest Quarter of Section 17, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Norman H. Young, Patrick H. Downs, John I. Wells and H. H. Wells.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Samuel C. Bowen, at final proof. Dated June 10th, 1902.

ANSWERS Given by Samuel C. Bowen, at Final Proof, to Questions 16, 17 and 18 on Cross-examination.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: I made it from business operations. I have had sufficient money to make this purchase for years.

Answer to Question 18: Chemical National Bank, N. Y. *Nickbroker* Trust Co., N. Y. Capital State Bank, Boise.

Testimony of witness, John I. Wells, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Receiver's Receipt No. 1887, dated June 23d, 1902.

Final Certificate No. 1887, dated June 23d, 1902.

Certificate of Register and Receiver, in re discrepancy between date of making final proof, and Receiver's Receipt, and Register's Certificate.

Deed from Samuel C. Bowen and wife to A. E. Palmer, Sept. 30, 1902; consideration \$1.00 and other valuable considerations; acknowledged before Hazard Okey, N. P., Franklin Co., Ohio, and filed for record Nov. 6th, 1903, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 223.

Patent to Samuel C. Bowen, dated Jan. 28th, 1904, for land described in Exhibit No. 223, Sworn Statement.

Plaintiff's Exhibits Nos. 224.

SAMUEL S. HORNER: Boise, Idaho; occupation, salesman and county treasurer.

Sworn Statement, No. 941, dated and filed July 10, 1903, for entry of West One-half of the Southwest Quarter, Southwest Quarter of the Northwest Quarter of Section 26, and Northeast Quarter of the Southeast Quarter of Section 27, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof,
Willard C. Austin, Ada V. Austin, Hortense D.
Horner and Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Samuel S. Horner, on final proof.
Dated Oct. 9th, 1903.

ANSWERS Given by Samuel S. Horner, on Final
Proof, to Questions 16, 17, and 18, on Cross-ex-
amination.

Answer to Question 16: I did. I do.

Answer to Question 17: I earned it as a salesman.
Six months.

Answer to Question 18: I have, Capital State
Bank, Boise.

Testimony of witness, Willard C. Austin, on final
proof.

Cross-examination of witness, Willard C. Austin,
on final proof.

Testimony of witness, Patrick H. Downs, on final
proof.

Cross-examination of witness, Patrick H. Downs,
on final proof.

Receiver's Receipt, No. 2636, dated Oct. 9, 1903.

Final Certificate, No. 2636, dated Oct. 9, 1903.

Deed from Samuel S. Horner and Hortense D.
Horner to Horace S. Rand; consideration, \$1600.00;
dated Dec. 29, 1903; acknowledged before John M.
Haines, N. P., conveying land embraced Sworn
Statement in Exs. No. 222 and 224, and filed for
record July 1st, 1904, at the request of W. E. Borah.

Patent dated Sept. 9, 1904, to Samuel S. Horner,

for land described in Exhibit No. 224, Sworn Statement.

Plaintiff's Exhibits Nos. 225.

HOMER G. ALLEN: Residence, Boise, Idaho; occupation, solicitor and collector.

Sworn Statement, No. 331, dated and filed March 22, 1902, for entry of East One-half of the Northeast Quarter and East One-half of the Southeast Quarter, Section 18, Township 6 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, E. A. Wilmot, Sam Marcum, Joe Cox, Pat Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Homer G. Allen, on final proof. Dated June 12th, 1902.

ANSWERS Given by Homer G. Allen to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: I did. I do.

Answer to Question 17: By canvassing, working with sheep, saved it from my earnings. I have had as much as that for several years.

Answer to Question 18: Since coming to Boise, with the Boise City National Bank. Before that, State Bank of Centerville, S. D.

Testimony of witness, Sam Marcum, on final proof.

Cross-examination of witness, Sam Marcum, on final proof.

Testimony of Ery A. Wilmot, on final proof.

Cross-examination of Ery A. Wilmot, on final proof.

Receiver's Receipt No. 1835, dated June 12, 1902.

Final Certificate No. 1835, dated June 12, 1902.

Deed from Homer G. Allen to A. E. Palmer, dated June 13, 1902; consideration, \$1500.00; acknowledged before L. M. Pritchard, N. P., and filed for record Feb. 18, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 225.

Patent to Homer G. Allen, Jan. 28, 1904, for land described in Sworn Statement of Exhibit No. 225.

Plaintiff's Exhibits Nos. 226.

ADA V. AUSTIN: Residence, Boise. Ida.; occupation, housekeeper.

Sworn Statement No. 943, dated and filed July 10, 1903, for entry of North One-half of the Southwest Quarter and North One-half of the Southeast Quarter, Section 15, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Samuel S. Horner, Hortense D. Horner, Willard C. Austin, Patrick H. Downs.

Non-mineral Affidavit.

Affidavit of Publication.

Testimony of Ada V. Austin, on final proof. Dated Oct. 13th, 1903.

ANSWERS Given to Ada V. Austin, on Final Proof to Questions 16, 17 and 18, on Cross-examination.

Answer to Question 16: I did and I do.

Answer to Question 17: From my husband; have had it a year or more.

Answer to Question 18: My husband has a bank account at Bank of Commerce, Boise, Idaho.

Testimony of witness, Hortense D. Horner, on final proof.

Cross-examination of witness, Hortense D. Horner, on final proof.

Testimony of Samuel S. Horner, witness, on final proof.

Cross-examination of Samuel S. Horner, witness, on final proof.

Non-alienation Affidavit.

Receiver's Receipt No. 2646, dated Oct. 13, 1903.

Final Certificate No. 2646, dated Oct. 13, 1903.

Patent to Ada V. Austin, dated Sept. 9, 1904, for land described in Sworn Statement, Exhibit No. 226.

Plaintiff's Exhibits Nos. 227.

GEORGE R. AVERY: Residence, South Boise, Ida.; occupation, laborer and contractor.

Sworn Statement No. 1052, dated and filed Sept. 14, 1903, for entry of Southeast Quarter of Section 29, Tp. 6 North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Joseph Penrod, Wilbert R. Reeves, Charles W. Clawson, Andrew Campbell.

Affidavit of Publication.

Testimony of George R. Avery, on final proof. Dated Dec. 16th, 1903.

ANSWERS Given by George R. Avery, to Questions 16, 17 and 18, on Cross-examination, on Final Proof.

Answer to Question 16: Yes.

Answer to Question 17: From my own earnings. Have had money about 60 days.

Answer to Question 18: No, money has been kept at home.

Testimony of witness, Charles W. Clawson, on final proof.

Cross-examination of witness, Charles W. Clawson, on final proof.

Testimony of witness, Andrew Campbell, on final proof.

Cross-examination of witness, Andrew Campbell, on final proof.

Receiver's receipt No. 2781, dated Dec. 16, 1903.

Final Certificate No. 2781, dated Dec. 16, 1903.

Deed from George R. Avery and Eva M. Avery, to George S. Long; dated December 24, 1903; consideration, \$800.00; acknowledged before J. M. Haines, N. P., and filed for record July 1st, 1904, at the request of W. E. Borah. Conveys land described in Sworn Statement, Exhibit No. 227.

Patent dated Dec. 1st, 1904, to George R. Avery, for land described in Exhibit No. 227, Sworn Statement.

Plaintiff's Exhibit No. 228.

SMITH BARKER: Residence. Boise, Idaho; occupation, teamster.

Sworn Statement No. 349, dated and filed March 28, 1902, for entry of Southwest Quarter of Section 33, Tp. 6 North of Range 6 East, Boise Meridian.

Notice of Publication; witnesses for final proof, William H. Lewin, E. E. Butler, Charley Patterson, and John I. Wells.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Smith Barker at final proof, dated June 24, 1902.

ANSWERS Given by Smith Barker at Final Proof, to Questions 16, 17 and 18 on Cross-examination.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: I got it from different parties; some from Mr. Geo. Butler, and different ones. I have had sufficient money to make this investment for several years.

Answer to Ques. 18: No, keep it myself.

Further Answer to Question 17, on Final Proof.

“Question 17: Where did you get the money with which to pay for this land, and how long have you had same in your actual possession?”

Answer: I received \$200, a check on the Bank of Commerce this morning, from Mr. Geo. Butler, of the firm of Butler Bros., for wages due. I can't tell where I got it, the whole amount. I didn't draw from Butler Bros. before, because I had no use for it. The balance I have had in my actual possession 3 or 4 months, more than that, some of it. The amount I received from Butler Bros. was for wages due on account. The money I had in my possession came from different sources. I received \$15.00 from old man Ely, a few days ago, returning a loan. I mean to say that I have had several hundred dollars on hand for several years, 20 years.”

Testimony of witness, Edward E. Butler, at final proof.

Cross-examination of witness, Edward E. Butler, at final proof.

Testimony of witness, William H. Lewin, at final proof.

Cross-examination of witness, William H. Lewin, at final proof.

Receiver's Receipt, No. 1889, dated June 24, 1902.

Final Certificate No. 1889, dated June 24, 1902.

Deed from Smith Barker to A. E. Palmer, dated June 26th, 1902; consideration, \$1000.00; acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, Feb. 29, 1904, conveys land described in Sworn Statement, Exhibit No. 228.

Patent to Smith Barker, dated Jan. 28, 1904, for land described in Exhibit No. 228, Sworn Statement.

Plaintiff's Exhibit No. 229.

HENRY F. BENEDIX: Residence, Boise, Idaho; occupation, trained nurse.

Sworn Statement No. 277, dated and filed Nov. 26th, 1901, for entry of South One-half of the Northwest Quarter and North One-half of the Southwest Quarter, of Section 5, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Gustav H. Rothine, Charles A. Walker, Patrick H. Downs, and John I. Wells.

Certified Copy of certificate of citizenship of Henry F. Benedix.

Non-mineral Affidavit.

Testimony of Henry F. Benefix, at final proof, dated February 13, 1902.

ANSWERS Given by Henry F. Benedix, at Final

Proof, to Questions 16, 17 and 18, on Cross-examination.

Answer to Ques. 16: I did. Yes, sir.

Answer to Ques. 17: Earned it myself; savings from earnings for past 7 or 8 years; some for several years, all a year or such a matter.

Answer to Ques. 18: Yes, Fergus Falls Natl. Bank, and Boise City Natl. Bank, Boise, Idaho.

Testimony of witness, Patrick H. Downs, at final proof.

Cross-examination of witness, Patrick H. Downs, at final proof.

Testimony of witness, Gustav H. Rothine, at final proof.

Cross-examination of witness, Gustav H. Rothine, at final proof.

Receiver's Receipt, No. 1980, dated July 26, 1902.

Final Certificate No. 1980, dated July 26, 1902.

Certificate of Register and Receiver, in re discrepancy between date of proof, and Receiver's Receipt and Register's Certificate.

Deed from Henry F. Benedix to A. E. Palmer, dated Aug. 12, 1902; consideration, \$1000; acknowledged before Joseph M. Healy, N. P., and filed for record at the request of W. E. Borah, Feb. 29, 1904. Conveys land described in Exhibit No. 229, Sworn Statement.

Patent to Henry F. Benedix, dated Feb. 1st, 1904, for land described in Exhibit 229, Sworn Statement.

Plaintiff's Exhibits No. 230.

SAMUEL M. BLANDFORD: Residence, Boise, Idaho; occupation, section director, U. S. Weather Bureau.

Sworn Statement No. 649, dated and filed October 3d, 1902, for entry of Southeast Quarter of the Southeast Quarter of Section 11, and East One-half of the Northwest Quarter and Northeast Quarter of the Southeast Quarter of Section 14, Tp. 7 North of Range 7 East, Boise Meridian.

Notice of Publication; witnesses for final proof, Louis M. Pritchard, Patrick H. Downs, Elma E. Gardner, Emma L. Blandford.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of Patrick H. Downs, on final proof.

Testimony of witness, Louis M. Pritchard, on final proof.

Cross-examination of witness, Louis M. Pritchard, on final proof.

Testimony of Samuel M. Blandford, on final proof, dated February 10, 1903.

ANSWERS Given by Samuel M. Blandford, to Questions 16, 17, and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: Earned it in my 15 years service with the Government; for several years.

Answer to Ques. 18: Yes, Boise City National Bank, Boise, Idaho.

Receiver's Receipt, No. 2297, dated Feb. 10, 1903.

Final Certificate No. 2297, dated Feb. 10, 1903.

Deed from Samuel M. Blandford and Emma Lou Blandford, husband and wife, to Horace S. Rand; consideration, \$1600.00; dated Feb. 12, 1903, conveying land described in Exhibit 230, Sworn Statement, and Exhibit No. 231, Sworn Statement; acknowledged before L. M. Pritchard, N. P., and filed for record June 23d, 1904, at the request of W. E. Borah.

Patent to Samuel M. Blandford, dated June 10, 1904, for land described in Exhibit 230, Sworn Statement.

Plaintiff's Exhibit No. 231.

EMMA LOU BLANDFORD: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 648, dated and filed Oct. 3, 1902, for entry of South One-half of the Southeast Quarter of Section 14, and North One-half of the Northeast Quarter, Section 23, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Louis M. Pritchard, Patrick H. Downs, Elma E. Gardner, and Samuel M. Blandford.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Emma Lou Blandford, on final proof, dated February 10, 1903.

ANSWERS Given by Emma Lou Blandford, to Questions 16, 17 and 18, on Cross-examination on Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: From my personal savings, and income property. One year.

Answer to Ques. 18: I have had a personal account in the Capital State Bank, Boise, for a year.

Testimony of witness, Louis M. Pritchard, on final proof.

Cross-examination of witness, Louis M. Pritchard, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Non-alienation Affidavit.

Receiver's Receipt No. 2298, dated Feb. 10, 1903.

Final Certificate No. 2298, dated Feb. 10, 1903.

Patent to Emma Lou Blandford, dated June 10, 1904, for land described in Exhibit No. 231, Sworn Statement.

Plaintiff's Exhibit No. 232.

JOHN BATES: Residence, Nash, Wisconsin; occupation, bookkeeper.

Sworn Statement No. 246, dated and filed Oct. 21, 1901, for entry of North One-half of the Northeast Quarter and Northeast Quarter of Northwest Quarter of Section 20, and Northwest Quarter of Northwest Quarter of Section 21, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, T. J. Manning, Patrick H. Downs, John I. Wells, and H. A. Snow.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of John Bates, on final proof, dated January 13, 1902.

ANSWERS Given by John Bates to Question 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: By working for a salary, savings from my salary; part for 5 or 6 years, and enough to make these payments 3 or 4 years.

Answer to Ques. 18: Yes, sir. Northern National Bank of Ashland, Wis.

Testimony witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Testimony of witness, John I. Wells, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Receiver's Receipt, No. 1997, dated August 2, 1902.

Final Certificate No. 1997, dated August 2, 1902.

Certificate of Register in re discrepancy between dates of final proof, and Receiver's Receipt and Register's Certificate.

Certificate of Citizenship.

Patent to John Bates dated Feb. 1st, 1904, for land described in Exhibit No. 232, Sworn Statement.

Plaintiff's Exhibit No. 233.

UNITED STATES LAND OFFICE,

Boise, Idaho.

State of Idaho,

County of Ada,—ss.

Wilbert F. Wilmot, being first duly sworn, deposes and says: that he is a citizen of the United States and the identical person who made a timber filing (under Act of June 3rd, 1878) for lots 3, 4, and 5, and SE. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of Section 6, township 7 north of Range 6 east and for which he offered proof on the 19th day of March, 1902; that he has not since offering said proof, or, at any time, or at all, sold or assigned or in any manner alienated or agreed to alienate his right, title or claim in or to said land or the timber thereon.

(Signed) WILBERT F. WILMOT.

Subscribed and sworn to before me this 18th day of July, 1902.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 233. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 234.

IN THE UNITED STATES LAND OFFICE,

At Boise, Idaho.

State of Idaho,

County of Ada,—ss.

Patrick H. Downs of lawful age being first duly sworn on his oath deposes and says:

That he is the identical person who on the 13th day of November, A. D. 1901, made final proof upon and tendered payment under his timber and stone sworn statement No. 204 at the United States Land Office at Boise, Idaho, for the N. $\frac{1}{2}$ NE. $\frac{1}{4}$ & N. $\frac{1}{2}$ NW. $\frac{1}{4}$ of Sec. 17, Twp. 7 N. of R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon to any person or persons or corporation or association of persons.

That he has not alienated or agreed to alienate, directly or indirectly, his right, title or interest in said land or the timber thereon or any part thereof since making said proof or at all.

PATRICK H. DOWNS.

Subscribed and sworn to before me this 24th day of July A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,

Notary Public.

Plaintiff's Exhibit 234. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 235.

State of Idaho,
County of Boise,—ss.

Norman H. Young, being first duly sworn, says: that, on the 14 day of April, 1902, he offered proof in the matter of his timber filing (under Act of June 3, 1878), for the S. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 17, SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ and NE. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 18, Township 7 North, Range 5 E., Boise Meridian, Boise County, Idaho; that affiant has not sold, assigned, or in any manner alienated or agreed to alienate his right, title or claim in or to said land since offering the said proof, or at all.

And further affiant saith not.

NORMAN H. YOUNG.

Subscribed and sworn to before me this 12 day of July, 1902.

[Notarial Seal]

KARL PAINE,
Notary Public.

(Back)

Plaintiff's Exhibit No. 235. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 236.

IN THE UNITED STATES LAND OFFICE AT
BOISE, IDAHO.

June 13, 1902.

Louis M. Pritchard, being first duly sworn on his oath deposes and says:

That he is the identical person, who on the 11th

day of June A. D. 1902, in the Land Office at Boise, Idaho, made final proof for T. & S. S. S. No. 330 for the Northwest ——— quarter of Section 20 in Township No. 6 N. of Range No. 6 E. B. M. in Boise County, Idaho.

That since offering said proof on said date he has not sold, assigned, transferred or mortgaged or in any manner alienated his claim, or title to said tract of land or any part thereof or the timber thereon and that he has not agreed to sell, assign, transfer or mortgage his right, title or interest in said land or the timber thereon or any part thereof.

LOUIS M. PRITCHARD.

Subscribed and sworn to before me this 13th day of June A. D. 1902.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 236. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 237.

IN THE UNITED STATES LAND OFFICE,

At Boise, Idaho.

State of Idaho,
County of Ada,—ss.

Mary A. Monroe of lawful age being first duly sworn on her oath deposes and says:

That she is the identical person who on the 7th day of April A. D. 1902, made final proof upon and tendered payment under her Timber and Stone Sworn

Statement No. 317 at the Land Office at Boise, Idaho for the SE. $\frac{1}{4}$ of Sec. 24 Twp. 7 N. of R. 5 E.

That she has not since making said final proof or at any time sold or assigned her interest in said premises or the timber thereon or any part thereof to any person or persons or corporation or association of persons.

That she has not directly or indirectly alienated or agreed to alienate her right, title or interest in said land or the timber thereon since making said proof or at all.

MRS. MARY A. MONROE.

Subscribed and sworn to before me this 1st day of August, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,

Notary Public.

(Back)

Plaintiff's Exhibit 237. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 238.

State of Idaho,
County of Boise,—ss.

Michael Koppas being first duly sworn deposes and says: that on December 19th, 1901, he made proof in matter of his timber filing (under Act of June 3rd, 1878) for the SE. $\frac{1}{4}$, Section 12, Tp. 7 N. R. 5 E.:—that he has not sold, assigned or in any manner, alienated, or agreed to alienate his right, title or claim in or to said timber claim, or at all:—and further deponent saveth not.

Subscribed and sworn to before me this 31st day
of July A. D. 1902.

[Notarial Seal]

NORMAN H. YOUNG,
Notary Public.

(Back)

Plaintiff's Exhibit No. 238. Filed June. 15, 1909.
A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 239.

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE, BOISE,
IDAHO.

State of Idaho,
County of Ada,—ss.

Uriah Flint, being first duly sworn on oath deposes and says that he is the identical Uriah Flint who has heretofore made a timber filing in the United States Land Office at Boise, Idaho (Under Act of June 3, 1878) on the NE. $\frac{1}{4}$ of Sec. 35, T. 8 N. R. 5 E. Boise county, state of Idaho, proof for which was offered on March 12, 1902; that since offering said proof he has not sold, assigned or in any manner alienated or agreed to alienate his right, title or claim in or to said lands or the timber thereon.

URIAH FLINT.

Subscribed and sworn to before me this 21st day
of July, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 239. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 240.**DEPARTMENT OF THE INTERIOR.****UNITED STATES LAND OFFICE.**

Boise, Idaho, January 21, 1902.

Leonora Hollister, being first duly sworn, deposes and says that she is the identical Leonora Hollister who made Timber and Stone Sworn Statement No. 252, at this office on October 26, 1901, for N. $\frac{1}{2}$ NE. $\frac{1}{4}$, SW. $\frac{1}{4}$, NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 18, Tp. 7 N. R. 5 E; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

LEONORA HOLLISTER.

Subscribed and sworn to before me this 21st day of January, 1902.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 240. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 241.

UNITED STATES LAND OFFICE.

Boise, Idaho, Dec. 15, 1903.

Margaret M. Ehrmanntraut, being first duly sworn, deposes and says that she is the identical person who made timber and stone sworn statement Sept. 14, 1903, for the purchase of the SE. $\frac{1}{4}$, Sec. 15, T. 6 N., R. 4 E., that she proposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person and that she has never made any entry under this act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

MARGARET M. EHRMANNTRAUT.

Subscribed and sworn to before me this 15th day of December, 1903.

HARRY J. SYMS,
Register.

Plaintiff's Exhibit No. 241. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 242.**UNITED STATES LAND OFFICE.**

Boise, Idaho, December 20, 1902.

Eva Hunt Dockery, being first duly sworn, deposes and says:—

That she is the identical person who made timber and stone sworn statement #583 at this office on September 15, 1902, for the purchase of Lots 3 and 4 and S1½ NW. ¼, Sec. 4, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefore on the 17th day of December, 1902; that she was unable to offer proof on said 17th day of December, and until this date, on account of delay in receiving the funds to make the necessary payments.

That she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

EVA HUNT DOCKERY.

Subscribed and sworn to before me this 20th day of December, 1902.

JAMES KING,
Register.

Plaintiff's Exhibit No. 242. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 243.

UNITED STATES LAND OFFICE.

Boise, Idaho, June 23rd, A. D. 1902.

State of Idaho,
County of Ada,—ss.

Lewis K. Burns, being first duly sworn upon his oath deposes and says, as follows, to wit:

Affiant is the identical Lewis K. Burns, who on the 26 day of November, A. D. 1902, made application to enter as a timber filing, under act of June 3rd, A. D. 1878, the Northwest $\frac{1}{4}$ of Section 24 in Township 7 North of Range 5 East B. M. and who offered proof in support thereof on Feb. 14th, A. D. 1902.

That Affiant has not sold, assigned, attempted to sell or assign, or in any manner alienate or agreed to alienate his rights, title, claim or interest in or to said land or any portion thereof or in the said filing or application to enter or any rights accrued or accruing therefrom or at all, either since offering the said proof or at other times, or at all.

LEWIS K. BURNS.

Subscribed and sworn to before me this 24th day of June, A. D. 1902.

EDWARD E. GARRETT.

Receiver.

(Back)

Affidavit by Lewis K. Burns. Filed Jun. 24, 1902. Plaintiff's Exhibit No. 243. No. 47.

Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court. From Law Office of O. E. Jackson.

Plaintiff's Exhibit No. 244.

IN THE UNITED STATES LAND OFFICE,
At Boise, Idaho.

State of Idaho,
County of Ada,—ss.

James H. Hamilton, of lawful age being first duly sworn on his oath deposes and says:

That he is the identical person who on the 27th day of November, A. D. 1901, made final proof upon and tendered payment under his Timber and Stone Sworn Statement No. 218 at the United States Land Office at Boise, Idaho, for the E. $\frac{1}{2}$ NW. $\frac{1}{4}$ & NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ & NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ Sec. 22, Twp. 7 N. of R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon or any part thereof to any person or persons, corporation or association of persons.

That he has not alienated, or agreed to alienate, directly or indirectly his right, title or interest in said land since making said proof or at all.

JAMES H. HAMILTON.

Subscribed and sworn to before me this 28th day of July, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,
Notary Public.

(Back)

Plaintiff's Exhibit No. 244. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 245.

IN THE UNITED STATES LAND OFFICE,
At Boise, Idaho.

State of Idaho,
County of Ada,—ss.

George M. Cutler, of lawful age being first duly sworn on his oath deposes and says:

That he is the identical person who on the 19th day of December, A. D. 1901, made final proof upon and tendered payment under his Timber and Stone sworn statement No. 239 at the United States Land Office at Boise, Idaho, for the NW. $\frac{1}{4}$ of Sec. 13 Twp. 7 N. of R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon or any part thereof to any person or persons, corporation or association of persons.

That he has not directly or indirectly alienated his right, title or interest in said land or the timber thereon, or agreed to alienate the same, since making said proof or at all.

Subscribed and sworn to before me this 25 day of July, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,
Notary Public.

(Back)

Plaintiff's Exhibit No. 245. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 246.**UNITED STATES LAND OFFICE.**

Boise, Idaho, September 20, 1904.

Abbie M. Briggs, being first duly sworn deposes and says that she is the identical person who is applicant for the purchase of the SW. $\frac{1}{4}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 5 T. 6 N., R. 4 E. B. M., that she is a married woman, that she purposes to purchase said land with her separate money in which her husband has no interest or claim, that said entry is made for her sole and separate use and benefit, that she has made no agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from any former entry made by any person or association of persons.

Affiant further deposes and says that the reason she did not offer proof on the date set for hearing, September 14, 1904, and before this date was on account of delay experienced by affiant in getting the money which she intended to use in paying for this said land.

ABBIE M. BRIGGS.

Subscribed and sworn to before me this 20th day
of September, 1904.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 246. No. 47. Filed Jun.
15, 1909. A. L. Richardson, Clerk U. S. Circuit
Court.

Plaintiff's Exhibit No. 247.

NEW YORK LIFE INSURANCE COMPANY,

John A. McCall, President.

THE GREAT INTERNATIONAL LIFE INSUR-
ANCE COMPANY.

Agency at
.....190....

State of Wisconsin,
County of Ashland,—ss.

John Bates being first duly sworn, on oath deposes
and says that he is the party that offered proof
January 13, 1902, on timber filing for N. $\frac{1}{2}$ NE. $\frac{1}{4}$,
NE. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 20 NW. $\frac{1}{4}$ NW. $\frac{1}{4}$, Sec. 21,
Township 7 North Range 5 East.

Affiant further says that he has not sold, assigned
or in any manner alienated or agreed to alienate his
right, title or claim in or to said land or the timber
thereon since offering the proof or at all.

JOHN BATES.

Subscribed and sworn to before me this 15th day of July, 1902.

[Notarial Seal]

A. L. DUNDAS,
Notary Public,
Ashland Co. ins.

(Back)

Plaintiff's Exhibit No. 247. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 248.

NON-ALIENATION AFFIDAVIT.

State of Idaho,
County of Ada,—ss.

Samuel Clark Bowen, being first duly sworn according to law, deposes and says that he is the same person who entered at the United States Land Office at Boise, Idaho, June 10th, 1902, the SW. $\frac{1}{4}$ Sec. 17, T. 7 N. R. 5 E. for patent under Timber and Stone Act of Congress, or made final proof on same at said time and place; and that neither since said time, nor at any time, has he sold, assigned or in any manner alienated or agreed to alienate his right, title or claim in or to said lands, or any part thereof, or any interest therein, and further affiant saith not.

SAMUEL CLARK BOWEN.

Subscribed and sworn to before me this 23rd day of June, A. D. 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 248. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 249.

UNITED STATES LAND OFFICE.

Boise, Idaho, July 30, 1902.

State of Idaho,
County of Ada,—ss.

Henry Rics being first duly sworn, on his oath deposes and says; That he is the same and identical person who made timber filing (under Act of June 3, 1878) for Lots Nos. Six (6) and Seven (7) and the East one-half ($\frac{1}{2}$) of the Southwest one quarter ($\frac{1}{4}$) of Section No. Six (6) Township No. Seven (7) north, Range No. Six (6) east of the Boise Meridian, proof for which he offered March 28, 1902.

That he purchased same in good faith, with the intention of complying with all the provisions of the law; that he is an unmarried man over the age of twenty-one years, a naturalized citizen of the United States and a resident of Boise City, Ada County, State of Idaho; that he has not sold, assigned or in any manner alienated or agreed to alienate, his right, title or claim in, or to, said land or the timber thereon, since said proof or at all.

HENRY RICS.

Subscribed in my presence and sworn to before me, this 30 day of July, A. D. 1902.

[Notarial Seal]

JOHN M. HAINES,

Notary Public.

(Back)

Plaintiff's Exhibit No. 249. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 250.**UNITED STATES LAND OFFICE.****Boise, Idaho.**

State of Idaho,
County of Ada,—ss.

William F. Roberts, of lawful age being first duly sworn on his oath deposes and says:

That he is the identical person who on the 20 day of March A. D. 1902, made final proof upon and tender of payment under his timber and stone sworn statement No. 307 at the United States Land Office at Boise, Idaho, for the NW. $\frac{1}{4}$ of Sec. 25 Twp. 7 N. of R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon to any person or persons, corporation or association of persons.

That he has not directly or indirectly alienated or agreed to alienate his right title or interest in said land or the timber thereon since making said proof in any manner or at all.

WILLIAM F. ROBERTS.

Subscribed and sworn to before me this 18 day of July, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,
Notary Public.

(Back)

Plaintiff's Exhibit No. 250. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 251.

NON-ALIENATION AFFIDAVIT.

**UNITED STATES LAND OFFICE, BOISE,
IDAHO.**

William Pearson of lawful age, being duly sworn on his oath says that heretofore on the 26th day of November, 1901, he made Timber Filing No. 276 upon Northeast Quarter, ($\frac{1}{4}$) of Section Twelve (12), Township Seven (7) North of Range Five (5) East; of lands subject to such Entry at said Land Office: that subsequently, to wit: on the 13th day of February, 1902, he made proof of said Entry at said Land Office. That he has not, since making said proof, or at any other time, sold, assigned, transferred, conveyed nor alienated, nor attempted to sell, convey or alienate his right, title, claim or interest in and to said land to anyone whomsoever.

WILLIAM PEARSON.

Subscribed and sworn to before me this 23rd day of June, A. D. 1902.

JAMES KING,
Register.

Plaintiff's Exhibit No. 251. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 252.**IN THE UNITED STATES LAND OFFICE OF
BOISE, IDAHO.**

State of Idaho,
County of Ada,—ss.

Margaret Pearson, of lawful age, being duly sworn on her oath says, that heretofore on the 7th day of December, 1901, she made Timber Entry No. 289 of the following described lands, to wit: South-east Quarter ($\frac{1}{4}$) of South-west Quarter ($\frac{1}{4}$) Section Twenty-two, (22), North Half ($\frac{1}{2}$) of North-west quarter ($\frac{1}{4}$) and North-west Quarter ($\frac{1}{4}$) of North-east Quarter ($\frac{1}{4}$), Section Twenty Seven (#27), all in Township Seven (7) North of Range Five (5) East, Boise Meridian, Boise County, Idaho: proof for which affiant offered on the 21st day of February, 1902; that since offering said proof she has not sold, assigned, or in any manner alienated, nor agreed or offered to sell or alienate her right, title, claim, interest or estate in said land whatsoever. Further deponent sayeth not.

MARGARET PEARSON.

Subscribed and sworn to before me this 19 day of June, 1902.

JAMES KING,
Register.

Plaintiff's Exhibit No. 252. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 253.

Before the U. S. Land Office, Boise, Idaho.

In re Timber and Stone Sworn Statement No. 249 by
John J. Keane for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$, W. $\frac{1}{2}$ SE.
 $\frac{1}{4}$, of Section 21, Township 7 North, Range 5
East, B. M.

John J. Keane, being first duly sworn, deposes and
says that he is the identical person who made timber
and stone sworn statement for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$,
and W. $\frac{1}{2}$ SE. $\frac{1}{4}$, section 21, township 7 North,
range 5 East on October 26th, 1901, and who thereaf-
ter offered proof therefor on January 16th, 1902;
that since making said sworn statement and said
proof, he has not sold, assigned, agreed to sell or as-
sign the land embraced therein, or in any manner
alienated his right or claim to said land, or at all.

JOHN J. KEANE.

Subscribed and sworn to before me this 25 day of
April, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 253. No. 47. Filed Jun.
15, 1909. A. L. Richardson, Clerk U. S. Circuit
Court.

Plaintiff's Exhibit No. 254.**UNITED STATES LAND OFFICE.**

Boise, Idaho, October 16, 1903.

Luella Jaycox, being first duly sworn, deposes and says:

That she is the identical person who on July 20, 1903, filed timber and stone sworn statement #962 at this office for the purchase of the Lots 4, 5, 6 & 7, Sec. 6, T. 6 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 16th day of October, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

LUELLA JAYCOX.

Subscribed and sworn to before me this 16th day of October, 1903.

HARRY L. SYMS,

Register.

Plaintiff's Exhibit No. 254. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

No. 1883

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT.

TRANSCRIPT OF RECORD.

THE UNITED STATES OF AMERICA (Complainant),
Appellant,

vs.

THE BARBER LUMBER COMPANY (a Corporation),
(Defendant), Appellee.

VOLUME XV.

(Pages 5537 to 5727, Inclusive.)

Upon Appeal from the United States Circuit Court
for the District of Idaho, Central
Division.

FILED

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No. 1883

UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT.

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THE UNITED STATES OF AMERICA (Complainant),
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THE BARBER LUMBER COMPANY (a Corporation),
(Defendant), Appellee.

VOLUME XV.

(Pages 5537 to 5727, Inclusive.)

**Upon Appeal from the United States Circuit Court
for the District of Idaho, Central
Division.**



Plaintiff's Exhibit No. 255.

**DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

Boise, Idaho, March 6, 1902.

Lelia Lee, being first duly sworn, deposes and says that she is the identical Lelia Lee who made Timber and Stone Sworn Statement No. 294, at this office, December 19, 1901, for SE. $\frac{1}{4}$, Sec. 1, Tp. 7 N., R. 5 E.; that she is a married woman; that she purposes to purchase said land with her separate money in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

LELIA LEE.

Subscribed and sworn to before me this 6th day of March, 1902.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 255. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 256.**UNITED STATES LAND OFFICE,**

Boise, Idaho, February 18, 1903.

Annie E. Kempner, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #668 at this office on the 17th day of October, 1902, and who advertised to offer proof on the 18th day of February, 1903, for the NE. $\frac{1}{4}$ of Section 32, Tp. 7 N., R. 8 E., B. M.; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

ANNIE E. KEMPNER.

Subscribed and sworn to before me this 18th day of February, 1903.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 256. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 257.

UNITED STATES LAND OFFICE,

Boise, Idaho, January 27, 1903.

Elizabeth Willhite, being duly sworn deposes and says: That she is the identical person who made timber and stone sworn statement #626 in this office on September 24, 1902, for the NE. $\frac{1}{4}$, Sec. 31, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 27th day of January, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

ELIZABETH WILLHITE.

Subscribed and sworn to before me this 27th day of January, 1903.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 257. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 258.**DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

Boise, Idaho, January 29, 1902.

Louisa B. West, being first duly sworn, deposes and says that she is the identical Louisa B. West who made Timber and Stone Sworn Statement No. 262, at this office, November 1, 1901, for NW. $\frac{1}{4}$, Sec. 23, Tp. 7 N., R. 5 E.; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

LOUISA B. WEST.

Subscribed and sworn to before me this 29th day of January, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 259.
DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Idaho, July 28, 1902.

Evelyn O'Farrell, being first duly sworn, deposes and says: That she is the identical person who made timber filing under Act of June 3, 1878, for S. $\frac{1}{2}$ SE. $\frac{1}{4}$, Section 26, N. $\frac{1}{2}$ NE. $\frac{1}{4}$, Section 36, Township 7 North, Range 5 E., proof of which she offered February 26, 1902; that since offering such she has not sold, assigned, or in any manner alienated or agreed to alienate her right, title, or claim in or to said land, or the timber thereon.

EVELYN O'FARRELL.

Subscribed and sworn to before me 1st day of Aug., 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 260.
UNITED STATES LAND OFFICE,

Boise, Idaho, September 20, 1904.

Beulah B. Lake, being first duly sworn, deposes and says:

That she is the identical person who filed timber and stone sworn statement No. 1343, on June 8, 1904, at this office, for the purchase of the NE. $\frac{1}{4}$,

Sec. 8, T. 6 N., R. 4 E., B. M., and who advertised to offer proof therefor on the 14th day of September, 1904; that the reason she did not offer proof on said 14th day of September, 1904, or until this date, was because the money did not arrive from Wisconsin until this date; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

BEULAH B. LAKE.

Subscribed and sworn to before me this 20th day of September, 1904.

EDWARD E. GARRETT,
Receiver.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 261.

AFFIDAVIT.

Garden City, Minnesota, April 28, 1902.

I, Frank B. Nickerson, of Garden City, Minnesota, do solemnly swear that I have not sold, assigned, or in any manner alienated, or agreed to alienate my right, title or claim in or to the land filed on by me

and entered in the Boise, Idaho, Land Office, under Timber and Stone Sworn Statement No. 241, made at that office on October 19th, 1901, for E. $\frac{1}{2}$ NW. $\frac{1}{4}$, NW. $\frac{1}{4}$ NE. $\frac{1}{4}$, Lot 1, Sec. 30, Tp. 7 North, R. 5 E., proof for which I offered January 7, 1902, since offering the said proof or at all.

FRANK B. NICKERSON.

Subscribed and sworn to before me this 28 day of April, 1902.

[Notarial Seal] GARRETT MURPHY,
Notary Public for Blue Earth County, Minnesota.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 262.

IN THE UNITED STATES LAND OFFICE,
At Boise, Idaho.

State of Idaho,
County or Ada,—ss.

Charles Nelson of lawful age being first duly sworn on his oath, deposes and says:

That he is the identical person who on the 28 day of January, A. D. 1902, made final proof upon and tendered payment under his Timber and Stone Sworn Statement No. 260 at the U. S. Land Office at Boise, Idaho, for the NE. $\frac{1}{4}$ of Sec. 23, Twp. 7 N. of R. 5 E., B. M.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon, or

any part thereof, to any person or persons, corporation or association of persons.

That he has not directly or indirectly alienated or agreed to alienate his right, title or interest in said land or the timber thereon since making said proof or at all.

CHAS. NELSON.

Subscribed and sworn to before me this 5 day of August, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,

Notary Public.

(Back)

Plaintiff's Exhibit No. 262. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 263.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE, AT BOISE,
IDAHO.

June 18th, 1904.

In the Matter of the Application of JOHN I. WELLS to Enter Under His Timber and Stone Sworn Statement No. 219, the NW. $\frac{1}{4}$, Sec. 14, T. 7 N., R. 5 E., B. M.

John I. Wells of lawful age being first duly sworn on his oath, deposes and says:

That he is the identical John I. Wells who made timber and stone sworn statement No. 219 for the NW. $\frac{1}{4}$, Sec. 14, Twp. 7 N., R. 5 E., B. M. Dated December 12, 1901, at the United States Land Office at Boise, Idaho.

That he has not since offering his final proof for

said land sold, assigned, transferred or alienated his right title or interest in said land or in the timber thereon, or any part or parcel thereof or thereon, nor has he agreed with any person or persons, company or corporation, directly or indirectly, to sell, transfer, assign or alienate his interest in said land or any part thereof, or the timber thereon or any part thereof, on any interest whatever therein, to any such person or persons, company or corporation, but says he now claims and holds the same for his own exclusive use and benefit.

JOHN I. WELLS.

Subscribed and sworn to before me this 18 day of June, A. D. 1904.

EDWARD E. GARRETT,
Receiver.

Plaintiff's Exhibit No. 263. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 264.

IN THE UNITED STATES LAND OFFICE,
AT BOISE, IDAHO.

June 13, 1902.

George H. Ensworth being first duly sworn on his oath deposes and says:

That he is the identical person, who on the 11 day of June A. D. 1902 in the Land Office at Boise, Idaho, made final proof for T. & S. S. S. No. 329 for the E. $\frac{1}{2}$ SE. $\frac{1}{4}$ and E. $\frac{1}{2}$ NE. quarter of Section No. 19 in Township No. 6 N. of Range 6 E. B. M. in Boise County, Idaho.

That since offering said proof on said date he has not sold, assigned, transferred or mortgaged or in any manner alienated his claim, or title to said tract of land or any part thereof or the timber thereon and that he has not agreed to sell, assign, transfer or mortgage his right, title or interest in said land or the timber thereon or any part thereof.

GEORGE H. ENSWORTH.

Subscribed and sworn to before me this 13 day of June, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,

Notary Public.

(Back)

Plaintiff's Exhibit No. 264. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 265.

IN THE UNITED STATES LAND OFFICE.

At Boise, Idaho.

State of Idaho,

County of Ada,—ss.

John C. Monroe of lawful age being first duly sworn on his oath deposes and says:

That he is the identical person who, on the 21st day of March A. D. 1902, made final proof upon and tendered payment under his timber and stone sworn statement No. 315 at the United States Land Office at Boise, Idaho, for the NE. $\frac{1}{4}$ Sec. 25, Twp. 7 N., R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign the

interest in said premises or the timber thereon or any part thereof to any person, corporation or association of persons.

That he has not directly or indirectly alienated or agreed to alienate his right title or interest in said land or the timber thereon since making said proof or at all.

JOHN C. MONROE.

Subscribed and sworn to before me this 23 day of July, A. D. 1902.

L. M. PRITCHARD,
Notary Public.

(Back)

Plaintiff's Exhibit No. 265. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 266.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, April 7, 1902.

Mary A. Monroe, being first duly sworn, deposes and says that she is the identical Mary A. Monroe who made Timber and Stone Sworn Statement No. 317, at this office January 7, 1902, for SE. $\frac{1}{4}$ Sec. 24, Tp. 7 N., R. 5 E; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or

any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

Mrs. MARY A. MONROE.

Subscribed and sworn to before me this 7th day of April, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 267.

IN THE UNITED STATES LAND OFFICE,
Boise, Idaho.

State of Oregon,
County of Marion,—ss.

Henry T. Benedict being first duly sworn, on his oath deposes and says:

That he is the identical person who on the 13 day of February, A. D. 1902, made final proof upon and tendered payment for timber and stone sworn statement No. 277 at the United States land office at Boise, Idaho, for the S. $\frac{1}{2}$ NW. $\frac{1}{4}$ & N. $\frac{1}{2}$ SW. $\frac{1}{4}$ Sec. 5 T. 7 N., R. 5 E.

That he has not since making said proof or at any time sold or assigned or agreed to sell or assign his interest in said premises, or the timber thereon to any person or persons, corporation or association of persons.

That he has not directly or indirectly alienated or

agreed to alienate his right, title or interest in said land or the timber thereon since making said proof or at all to any person or in any manner.

HENRY F. BENEDIX.

Subscribed and sworn to before me this 17th day of July A. D. 1902.

[Notarial Seal]

F. W. WATERS,
Notary Public for Oregon.

(Back)

Plaintiff's Exhibit No. 267. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 268.

United States Land Office.

Boise City, Idaho.

State of Idaho,
County of Ada,—ss.

Arthur E. Brookhart, being first duly sworn deposes and says; that he is a citizen of the United States and the identical person who made a timber filing (under Act of June 3d, 1878), for S. W. $\frac{1}{4}$ of Section 35, Township 7 north of range 5 east, and for which he offered proof on the 8th day of April, 1902; that he has not since offering said proof, or at any time, or at all, sold, assigned or in any manner alienated or agreed to alienate his right, title or claim in or to said land or the timber thereon.

ARTHUR E. BROOKHART.

Subscribed and sworn to before me, this 26 day of August, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 268. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 269.

State of Idaho,
County of Boise,—ss.

Thaddeus M. Glass being first duly sworn deposes and says, that on December 13th, A. D. 1901, he made proof in matter of his timber filing (under act of June 3d, 1878) for the NE. $\frac{1}{4}$, Section 13, Township 7, Range 5 E.:—that he has not sold, assigned or in any manner alienated or agreed to alienate, his right, title or claim in or to said timber claim or at all; and further deponent sayeth not.

Subscribed and sworn to before me this 28 day of July, A. D. 1902.

[Notarial Seal] NORMAN H. YOUNG,
Notary Public.

(Back)

Plaintiff's Exhibit No. 269. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 270.

UNITED STATES LAND OFFICE.

Boise, Idaho, February 16, 1903.

Elizabeth Schmelzel, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #651 at this office on October 3d, 1902, for the purchase of the SE. $\frac{1}{4}$ Sec. 27, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 11th day of February, 1903; that the reason she did not offer proof on said 11th day of February was because she did not have the money on said date, the money coming from a sale of real estate; and the money was not received from such sale until this date; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

Mrs. ELIZABETH SCHMELZEL.

Subscribed and sworn to before me this 16th day of February, 1903.

HARRY J. SYMS,
Register.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 271.**UNITED STATES LAND OFFICE.**

Boise, Idaho, Dec. 23, 1903.

Josie M. Ross, being first duly sworn, deposes and says that she is the identical person who made timber and stone sworn statement No. 1056, Sept. 14, 1903, for the purchase of the SW. $\frac{1}{4}$, Sec. 20, T. 6 N., R. 4 E., that she proposes to purchase said land with her separate money in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made any entry under this act or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

JOSIE M. ROSS.

Subscribed and sworn to before me this 23rd day
of December, 1903.

HARRY J. SYMS,
Register.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 272.

IN THE UNITED STATES LAND OFFICE.

Boise, Idaho.

State of Oregon,
County of Marion,—ss.

Charles A. Walker, being first duly sworn on his oath deposes and says:

That he is the identical person who on this 20th day of February, A. D. 1902, made final proof upon and tendered payment for timber and stone, sworn statement No. 286 at the United States land office at Boise, Idaho, for the N. $\frac{1}{2}$ NW. $\frac{1}{4}$, N. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 8, Tp. 7 N., R. 5 E.

That he has not since making said proof or at any time sold or assigned to sell or assign his interest in said premises, or the timber thereon to any person or persons, corporation or association of persons.

That he has not directly or indirectly alienated or agreed to alienate his right, title or interest in said land or the timber thereon since making said proof or at all to any person or in any manner.

CHARLES A. WALKER.

Subscribed and sworn to, before me this 11th day of July, A. D. 1902.

[Notarial Seal]

P. Q. HEALY,

Notary Public for Oregon.

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 273.**DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.**

State of Idaho,
County of Ada,—ss.

Uriah F. McBirney, being first duly sworn upon his oath deposes and says: That this affiant is the identical person who filed on the Southeast Quarter (SE. $\frac{1}{4}$) of Section eleven (11), Township Seven (7) North, Range five (5) East, under the Act of June 3, 1878, and proof for which was offered on March 13th, 1902; that this affiant has not at any time or in any manner sold or assigned, or in any manner alienated or agreed to alienate or sell or assign any right, title or claim of this affiant in or to said land or any part thereof, or the timber thereon or any part thereof, since offering the said proof, or at any other time or at all.

URIAH F. MCBIRNEY.

Subscribed and sworn to before me this 1st day of August, 1902.

[Notarial Seal] **IRWIN P. MARCELLAS,**
Notary Public.

(Back)

Plaintiff's Exhibit No. 273. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 274.

AFFIDAVIT.

State of Idaho,
County of Ada,—ss.

Susan N. Arbuckle, of lawful age, being first duly sworn according to law, deposes and says:

That she is the identical person who on May 3, 1902, filed her application at the U. S. Land Office at Boise, Idaho, under the Act of June 3, 1878, for S. $\frac{1}{2}$ SE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ and SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ Sec. 19, T. 7 N., R. 5 E. and who now offers proof in support of said claim.

She further deposes and says: That she is a married woman and purposes to purchase said tract with her own money, in which her husband has no interest or claim, the same having been a present to her from her husband about May 1, 1902. Said entry is made for her own separate use and benefit; that she has made no contract or agreement whereby any interest therein will inure to the benefit of her husband or any other person, and that she has never made any entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

SUSAN N. ARBUCKLE.

Subscribed and sworn to before me this 24th day of July, 1902.

JAMES KING,
Register.

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47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 275.

UNITED STATES LAND OFFICE.

Boise, Idaho, January 28, 1903.

Mrs. Emma Bilderback, being first duly sworn,
deposes and says:

That she is the identical person who made timber and stone sworn statement #624 at this office on September 24, 1902, for the purchase of the N. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 27, and N. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 28, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 28th day of January, 1903; that she is a married woman; that she proposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

Mrs. EMMA BILDERBACK.

Subscribed and sworn to before me this 28th day
of January, 1903.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 275. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 276.

UNITED STATES LAND OFFICE.

Boise, Idaho, January 28, 1903.

Delilah Bayhouse, being first duly sworn, deposes and says:—

That she is the identical person who made timber and stone sworn statement #623 at this office on September 24, 1902, for the purchase of the NW. $\frac{1}{4}$ of Sec. 27, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the 28th day of January, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

DELILAH BAYHOUSE.

Subscribed and sworn to before me this 28th day of January, 1903.

HARRY J. SYMS,

Register.

(Back)

Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 277.**UNITED STATES LAND OFFICE,**

Boise, Idaho, April 29, 1903.

Clifton C. Bliven, being first duly sworn, deposes and says:—

That he is the identical person who is applicant for Government title for the E. $\frac{1}{2}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 24, T. 7 N., R. 7 E., B. M., under the timber and stone act, timber and stone sworn statement #794; that since offering final proof for said tract at this office on the 17th day of April, 1903, he has not sold, assigned or transferred his claim to said land, or has he directly or indirectly made any agreement or contract in any way or manner with any person whomsoever, by which the title which he may acquire from the government of the United States may inure in whole or in part to the benefit of any person except himself.

CLIFTON C. BLIVEN.

Subscribed and sworn to before me this 29th day of April, 1903.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 277. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 278.

UNITED STATES LAND OFFICE,
Boise, Idaho.

State of Idaho,
County of Ada,—ss.

James O. Baker, being first duly sworn, deposes and says; That he is a citizen of the United States and the identical person who made a timber filing (under Act of June 3rd, 1878), for the SE. $\frac{1}{4}$ of section 25, township 7, north of range 5 east, and for which he offered proof on the 20th. of March, 1902; that he has not since offering said proof, or at any time, or at all, sold, assigned or in any manner alienated or agreed to alienate his right, title or claim in or to said land or the timber thereon.

JAMES O. BAKER.

Subscribed and sworn to before me, this 2d day of July, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 278. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. United States Court.

Plaintiff's Exhibit No. 279.

UNITED STATES LAND OFFICE.

Boise, Idaho, January 8, 1903.

Louisa E. Butler, being first duly sworn, deposes and says:

That she is the identical person whom made timber and stone sworn statement #581 at this office on

September 15, 1902, for the purchase of the N. $\frac{1}{2}$ S.W. $\frac{1}{4}$ and N. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 4, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on this 8th day of January, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

LOUISA E. BUTLER.

Subscribed and sworn to before me this 8th day of January, 1903.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 279. No. 47. Filed Jun. 15. 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 280.

State of Idaho,
County of Ada,—ss.

Harry L. Clyne, being first duly sworn according to law, deposes and says, that he is the identical Harry L. Clyne who made timber filing on the SE. $\frac{1}{4}$ of Section 6, Township 7 North, Range 5 East, Boise Meridian; that he has not sold, or offered to sell said filing, or assigned, or in any manner alienated, or

offered to alienate, his right, title or claim, in or to said land, or the timber thereon, since offering said proof, or at all.

HARRY L. CLYNE.

Subscribed and sworn to before me this 16th day of August, 1902.

[Notarial Seal]

G. G. ADAMS,
Notary Public.

(Back)

Plaintiff's Exhibit No. 280. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 281.

M. Laeta Eagleson, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #1222, at this office on January 2, 1904, for the S. $\frac{1}{2}$ NE. $\frac{1}{4}$ and NW $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 8, T. 7 N., R. 5 E., B. M., and who advertised to offer proof therefor on the 17th day of March, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

M. LAETA EAGLESON.

Subscribed and sworn to before me this 17th day of March, 1904.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 281. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 282.

State of Idaho,
County of Ada,—ss.

I, Mack Gillum, being first duly sworn, deposes and says that he is the same person that on Mar. 18, 1902, made a timber and stone entry on the NE. $\frac{1}{4}$ of Section 26, Township 8 North, Range 5 East. That he has not offered for sale, made any contract for sale or in any manner whatsoever alienated his right, title or interest or any portion thereof in and to said land or the timber thereon.

That he makes this affidavit in good faith fully realizing the purpose thereof.

MACK GILLUM.

Subscribed and sworn to before me this 29th day of July A. D. 1902.

[Notarial Seal]

JAMES S. BOGART,
Notary Public.

Plaintiff's Exhibit No. 282. No. 47. Filed June 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 283.

UNITED STATES LAND OFFICE.

Boise, Idaho, December 23, 1902.

Addie G. Gibberd, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement # 563 at this office on September 8, 1902, for the purchase of Lots 3 and 4, and S. 1/2 of NW. 1/4, Sec. 2, Tp. 7 N., R. 7 E., B. M., and who advertised to offer proof at this office therefor on this 23d day of December, 1902; that she is married; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

ADDIE G. GIBBERD.

Subscribed and sworn to before me this 23d day of December, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 293. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 284.

United States Land Office, Boise, Idaho.

July 15, A. D. 1902.

Homer C. Granger, of Centerville, Boise County, State of Idaho, being first duly sworn, deposes and says, that he is the identical person who made Timber and Stone sworn statement No. 220, on September 20, A. D. 1901, for the Northeast Quarter of Section 14, in Township 7 North, of Range 5 East, and who, on December 12, A. D. 1901, offered final proof therefor; and that I have not sold, assigned or in any manner alienated or agreed to alienate my right, title or claim in or to said Entry No. 220 to said Northeast Quarter, of Section 14, in Township 7 North, of Range 5 East; since offering said proof or at all.

HOMER C. GRANGER.

Subscribed and sworn to before me this 15th day of July, A. D. 1902.

[Notarial Seal]

H. W. DUNTON,
Notary Public.

(Back)

Plaintiff's Exhibit No. 284. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 285.

IN THE UNITED STATES LAND OFFICE,
At Boise, Idaho.

State of Idaho,
County of Ada,—ss.

Walter L. Harrison, of lawful age, being first duly sworn on his oath deposes and says:

That he is the identical person who, on the 12 day of February, A. D. 1902, made final proof upon and tendered payment under his Timber and Stone Sworn Statement No. 274, at the U. S. Land Office at Boise, Idaho, for Lot No. 3, NE. $\frac{1}{4}$ of SW. $\frac{1}{4}$, NW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$, SW. $\frac{1}{4}$ of the NE. $\frac{1}{4}$, Sec. 30, Twp. 7 N. of Range 5 E.

That he has not since making said proof or at any time, sold or assigned or agreed to sell or assign his interest in said premises or the timber thereon or any part thereof to any person or persons, corporation or association of persons.

That he has not directly or indirectly alienated or agreed to alienate his right, title or interest in said land or the timber thereon since making said proof or at all.

WALTER L. HARRISON.

Subscribed and sworn to before me this 25 day of August A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,

Notary Public.

(Back)

Plaintiff's Exhibit No. 285. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 286.

State of Idaho,
County of Ada,—ss.

Personally appeared before me, Joseph M. Hollister, who after first being duly sworn, deposes and says, that he is the identical person who offered proof

concerning the purchase of SE. $\frac{1}{4}$, of Sec. 7, in Township 7 N. of Range 5 E. of Boise Meridian, on January 21st, 1902 (under an act of Congress of June 3rd, 1878); and he further says that the statements then made are true, and that the filing was made in good faith and for the sole benefit of affiant; that he has not, either before or since offering proof, entered into any agreement implied or otherwise to mortgage or sell or in any manner dispose of his title or the title which he might by reason of said claim acquire.

J. M. HOLLISTER.

Subscribed and sworn to before me this 25 day of July, 1902.

JAMES KING,
Register.

(Back)

Plaintiff's Exhibit No. 286. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 287.

UNITED STATES LAND OFFICE.

Boise, Idaho, December 22, 1902.

Fannie R. Hart, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement # 570 at this office on September 9, 1902, for the purchase of the SW. $\frac{1}{4}$ of Sec. 11, Tp. 7 N., R. 8 E., B. M.; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her

sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

FANNIE R. HART.

Subscribed and sworn to before me this 22d day of December, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 287. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 288.

UNITED STATES LAND OFFICE.

Boise, Idaho, December 22, 1902.

Caro F. B. Kingsley, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #575 at this office on September 11, 1902; for the purchase of the NW. $\frac{1}{4}$ of Sec. 14, Tp. 7 N., R. 8 E., B. M.; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of

her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

CARO F. B. KINGSLEY.

Subscribed and sworn to before me this 22d day of December, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 288. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 289.

IN THE UNITED STATES LAND OFFICE.

At Boise, Idaho.

State of Idaho,
County of Ada,—ss.

Mary Link, of lawful age being first duly sworn on her oath deposes and says:

That she is the identical person who on the 29 day of January, A. D. 1902, made final proof upon and tendered payment under her Timber and Stone Sworn Statement No. 264 at the U. S. Land Office at Boise, Idaho, for the N. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 22, N. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 23 Twp. 7 N. R. 5 E.

That she has not since making said proof or at any time sold or assigned or agreed to sell or assign her interest in said premises or the timber thereon to any person or persons, corporation or association of

persons.

That she has not alienated or agreed to alienate, directly or indirectly, her right, title or interest in said land or the timber thereon since making said proof or at all.

MARY LINK.

Subscribed and sworn to before me this 7 day of August, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,
Notary Public.

(Back)

Plaintiff's Exhibit No. 289. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 290.

UNITED STATES LAND OFFICE.

Boise, Idaho, March 18, 1903.

Henrietta B. Martin, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #636 at this office on September 29, 1902, for the purchase of Lots 1 and 2, and E. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 7, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 18th day of March, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other

person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

HENRIETTA B. MARTIN.

Subscribed and sworn to before me this 18th day of March, 1903.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 290. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 291.

IN THE UNITED STATES LAND OFFICE,
BOISE, IDAHO.

NON-ALIENATION AFFIDAVIT.

State of Idaho,
County of Ada,—ss.

Wheeler H. Martin being first duly sworn deposes and says:

That he is the identical person who filed Timber and Stone Application No. 1038, at the United States Land Office at Boise, Idaho, and who on December 11, 1903, made proof of the character of said land and of his qualification to be allowed to purchase said above described tract under the provisions of the act of Congress of June 3, 1878 as amended by the act of August 4, 1898:—

That he has not sold, assigned, relinquished, or in any manner alienated any title which he claimed in

said land or entry, or, agreed so to do upon obtaining title thereto, and has not in any manner incumbered said tract of land.

That since the said 11th day of December, 1903, he has done no act whereby the title to said tract has been in any manner changed from that in which it was when on that date he testified to the same, nor has he made any agreement or contract in any way or manner with any person or persons, firm or corporation concerning the same.

WHEELER H. MARTIN.

Subscribed and sworn to before me this 8th day of March, 1904.

EDWARD E. GARRETT,
Receiver.

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In the United States Land Office, Boise, Idaho.
In re T. & S. Appln. 1038. By Wheeler H. Martin.
Non-Alienation Affidavit. Filed March 8, 1904.
No. 47. Filed Mar. 13, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 292.

UNITED STATES LAND OFFICE.

Boise, Idaho, February 14, 1903.

Pearl I. Nusbaum, being first duly sworn deposes and says:

That she is the identical person who made timber and stone sworn statement #655 at this office on October 7, 1902, for the purchase of the SE. $\frac{1}{4}$ of Section 22, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 13th day of February,

1903; that the reason she did not appear on said 13th day of February, was that because she could not secure two of her advertised witnesses; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

PEARL I. NUSBAUM.

Subscribed and sworn to before me this 14th day of February, 1903.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 292. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 293.

UNITED STATES LAND OFFICE,

Boise, Idaho, December 11, 1902.

Mary E. Ownbey, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #541 at this office on August 30, 1902, for the purchase of Lot 2, SW. $\frac{1}{4}$

NE. $\frac{1}{4}$, W. $\frac{1}{2}$ SE. $\frac{1}{4}$, Sec. 3, Tp. 7 N., R. 7 E., B. M.

That she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

MARY E. OWNBEY.

Subscribed and sworn to before me this 11th day of December, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 293. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 294.

UNITED STATES LAND OFFICE.

Boise, Idaho, March 17, 1903.

Arietta H. Stahl, being first duly sworn, deposes and says:

That she is the identical person who made timber and stone sworn statement #635 at this office on September 29, 1902, for the purchase of Lots 3 and 4 and E. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 7, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof therefor on the

17th day of March, 1903; that she is a married woman; that she purposes to purchase said land with her separate money, in which her husband has no interest or claim; that said entry is made for her sole and separate use and benefit; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

ARIETTA H. STAHL.

Subscribed and sworn to before me this 17th day of March, 1903.

EDWARD E. GARRETT,

Receiver.

(Back)

Plaintiff's Exhibit No. 294. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 295.

AFFIDAVIT.

State of Idaho,
County of Ada,—ss.

Mary Starn, of lawful age, being first duly sworn according to law, deposes and says: That she is the identical person who on Sept. 6, 1902, filed in this office her sworn statement No. 559, for the purchase of SE. $\frac{1}{4}$, Sec. 10, T. 7 N. R. 8 E. and who now offers proof in support of her claim.

She further deposes and says: That she is a mar-

ried woman, being the wife of Edward H. Starn, but that she purposes to purchase this tract with her own money, in which her husband has no interest or claim, that this purchase is made for her own exclusive use and benefit, and that she has made no contract or agreement whereby any interest she may acquire from this purchase may inure to the benefit of her husband or any other person.

MARY STARN.

Subscribed and sworn to before me this 18th day of December, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 295. No. 47. Filed Jun. 15, 1909. A. L. Richardson, Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 296.

UNITED STATES LAND OFFICE,

Boise, Idaho, November 11, 1902.

Jennie E. Thompson, being first duly sworn deposes and says:

That she is the identical person who made timber and stone sworn statement #501 on August 11, 1902, for the purchase of the SW. $\frac{1}{4}$ of NE. $\frac{1}{4}$, S. $\frac{1}{2}$ of NW. $\frac{1}{4}$, Sec. 34, and E. $\frac{1}{2}$ of NE. $\frac{1}{4}$, Sec. 33, Tp. 7 N., R. 4 E., and who advertised to offer proof therefor on the 11th day of November, 1902; that she, this day, relinquishes all claim to the SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of said Sec. 33; that she is a married woman; that she purposes to purchase said land with her

separate money, in which her husband has no interest or claim; that she has made no contract or agreement whereby any interest whatever therein will inure to the benefit of her husband or any other person, and that she has never made an entry under said act, or derived or had any interest whatever, directly or indirectly, in or from a former entry made by any person or association of persons.

JENNIE E. THOMPSON.

Subscribed and sworn to before me this 11th day of November, 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

No. 47. Filed Jun. 15, 1909. A. L. Richardson,
Clerk U. S. Circuit Court.

Plaintiff's Exhibit No. 297.

IN THE UNITED STATES LAND OFFICE,
BOISE, IDAHO.

State of Idaho,
County of Ada,—ss.

John U. Cassell, being first duly sworn according to law, deposes and says, that he is the same person who did on the 7 day of March A. M. 1902, make final proof upon and tender of payment for the South West Quarter of Section No. 25 of Township No. 8, North of Range No. 5 E., in Boise County, Idaho, under the act of June 3, 1878; and that he has not sold or assigned or in any manner alienated or agreed to alienate his right title or claim to said land or the timber thereon, since offering

said proof or at all, and further affiant saith not.

JOHN U. CASSELL.

Subscribed and sworn to before me this 4 day of
November, A. D. 1902.

[Notarial Seal]

L. M. PRITCHARD,

Notary Public.

(Back)

Plaintiff's Exhibit No. 297. No. 47. Filed Jun.
15, 1909. A. L. Richardson, Clerk U. S. Circuit
Court.

Plaintiff's Exhibit No. 298.

IN THE UNITED STATES LAND OFFICE,
Boise, Idaho.

State of Idaho,
County of Ada,—ss.

Gustave H. Rothine being first duly sworn on his
oath deposes and says:

That he is the identical person who on the 14 day
of Feb., A. D. 1902, made final proof upon and ten-
dered payment for timber and stone, sworn state-
ment No. 279 at the United States land office at
Boise, Idaho, for the S. $\frac{1}{2}$ SW. $\frac{1}{4}$ and S. $\frac{1}{2}$ of SE.
 $\frac{1}{4}$, Sec. 5 Tp. 7 N. R. 5 E.

That he has not since making said proof or at any
time sold or assigned or agreed to sell or assign his
interest in said premises, or the timber thereon to
any person or persons, corporation or association of
persons.

That he has not directly or indirectly alienated
or agreed to alienate his right, title or interest in
said land or the timber thereon since making said

proof or at all to any person or in any manner.
That my present address is 240 3d St., Portland, Or.

GUSTAVE H. ROTHINE.

Subscribed and sworn to before me this 14 day of
July, A. D. 1902.

EDWARD E. GARRETT,
Receiver.

(Back)

Plaintiff's Exhibit No. 298. No. 47. Filed Jun.
15, 1909. A. L. Richardson, Clerk U. S. Circuit
Court.

Plaintiff's Exhibits Nos. 299.

List of witnesses for whom subpoenas were
issued in the case of the United States vs. the Bar-
ber Lumber Co. et al., and the Marshal's return of
service and non-service.

This list is copied in full in the record at page
2798, et seq.

WARRANTY DEEDS.

Plaintiff's Exhibit No. 300.

From HENRY A. SNOW, and wife, Minnie, to
A. E. Palmer, Aug. 17, 1903; consideration \$2000.00;
acknowledged before John M. Haines, Notary Pub-
lic, conveying the South One-half of the Southwest
quarter, South One-half of the Southeast Quarter,
North One-half of the Southwest Quarter, and the
South half of the Northwest Quarter, Section 8, Tp.
7 North of Range 5 East, Boise Meridian. Filed for
record at the request of W. E. Borah, June 27th,
1904.

Plaintiff's Exhibit No. 301.

From JOHN KINKAID to A. E. Palmer, April 16, 1904, consideration \$1000.00; acknowledged before L. M. Pritchard, Notary Public, conveying the Southeast Quarter of Section 7, Tp. 6 North of Range 5 East, Boise Meridian. Filed for record at the request of W. E. Borah, May 10, 1904.

Plaintiff's Exhibit No. 302.

From PATRICK H. DOWNS to A. E. Palmer, August 27, 1904; consideration \$1400.00; acknowledged before L. M. Pritchard, Notary Public, conveying the North Half of the Northeast Quarter, and the North One-half of the Northwest Quarter, of Section 17, Tp. 7 North of Range 5 East, Boise Meridian. Filed for record at the request of the Barber Lumber Co., Nov. 7th, 1905.

Plaintiff's Exhibit No. 303.

From WM. F. SNOW, to A. E. Palmer. Oct. 20, 1902; consideration \$1000.00; acknowledged before G. A. Will, Notary Public, Hennepin County, Minnesota, conveying the West One-half of the Northwest Quarter, and the West One-half of the Southwest Quarter of Section 22, Tp. 7 North of Range 5 East, Boise Meridian. Filed for record at the request of W. E. Borah, Feb. 29, 1904.

Plaintiff's Exhibit No. 304.

From WILLIAM H. HUMPHREYS and LYDIA E. HUMPHREYS, husband and wife, to A. E. Palmer, dated March 19, 1903; consideration \$1600.00; acknowledged before L. M. Pritchard, Notary Public, conveying the East One-half of the

Northwest Quarter, and Lots 1 and 2, of Section 18, Tp. 7 North of Range 6 East, Boise Meridian, containing 151 acres, and the Southeast Quarter of Section 33, Tp. 7 North of Range 5 East, Boise Meridian, containing 160 acres. Filed for record at the request of W. E. Borah, June 29, 1903.

Plaintiff's Exhibit No. 305.

From CHARLES M. WILMOT and wife Florence M. to A. E. Palmer, dated March 30, 1903; consideration \$1000.00; acknowledged before L. M. Pritchard, Notary Public, conveying the Northeast Quarter of Section 24, Tp. 7 North of Range 5 East, Boise Meridian. Filed for record at the request of W. E. Borah, June 29, 1903.

Plaintiff's Exhibit No. 306.

From JAMES R. THOMPSON and NELLIE J. THOMPSON, husband and wife to A. E. Palmer, dated Aug. 12, 1903; consideration \$800.00; acknowledged before J. E. Porter, Notary Public, Blue Earth County, Minnesota, conveying the South One-half of the Southwest Quarter of Section 30, and the North One-half of the Northwest Quarter of Section 31, Tp. 7 North of Range 5 East, Boise Meridian, as entered for patent by said Nellie J. Thompson. And filed for record at the request of W. E. Borah, June 27, 1904.

Plaintiff's Exhibit No. 307.

From CHARLES C. STEVENSON, and wife, Mattie B. to Horace S. Rand, dated Aug. 16, 1904; consideration \$1000.00, and acknowledged before Harry C. Wyman, Notary Public, conveying the West One-half of the Northeast Quarter and the

West One-half of the Southeast Quarter of Section 14, Tp. 7 North of Range 8, East, Boise Meridian, and filed for record at the request of W. E. Borah, Sept. 1, 1904.

Plaintiff's Exhibit No. 308.

From ELMER G. DODDS AND HANNAH DODDS, husband and wife, to Horace S. Rand, dated Sept. 19, 1903; consideration \$1600.00; acknowledged before John M. Haines, Notary Public, conveying the Northwest Quarter of Section 32, and Lot 4, the Southeast Quarter of the Southwest Quarter, and the South One-half of the Southeast Quarter of Section 18, all in Tp. 7 North of Range 8 East, Boise Meridian, as entered for Patent by grantors, in Boise Land Office. Filed for record at the request of W. E. Borah, July 1st, 1904.

Plaintiff's Exhibits Nos. 309A to 309N.

Plaintiff's Exhibit No. 309A.

FRANK MARTIN: Residence, Boise, Idaho; occupation, attorney at law.

Sworn Statement, No. 1092, dated and filed Sept. 21, 1903, for entry of North One-half of the Northeast Quarter and North One-half of the Northwest Quarter of Section 10, Tp. 6 North of Range 4 East, B. M.

Plaintiff's Exhibit No. 309B.

Cross-examination of witness, Henry F. Cassidy, at final proof.

Plaintiff's Exhibit No. 309C.

Testimony of witness, Henry F. Cassidy, at final proof.

Plaintiff's Exhibit No. 309D.

Cross-examination of witness, Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 309E.

Testimony of witness Patrick H. Downs, at final proof.

Plaintiff's Exhibit No. 309F.

ANSWERS given by Frank Martin to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes. I expect to pay for the land with my own money.

Answer to Ques. 17: From my professional earnings, have had as much as \$400 on hand all the time for the past ten years.

Answer to Ques. 18: Yes, at the Capital State Bank, Boise, Idaho.

Plaintiff's Exhibit No. 309G.

Testimony of Frank Martin, at final proof, dated January 5th, 1904.

Plaintiff's Exhibit No. 309H.

Affidavit of Publication.

Plaintiff's Exhibit No. 309 I.

Notice for Publication; witnesses for final proof, Henry F. Cassidy, Charles B. Faraday, Wm. B. Davidson, and Patrick H. Downs.

Plaintiff's Exhibit No. 309J.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 309K.

Receiver's Receipt, No. 2819, dated Jan. 5th, 1904.

Plaintiff's Exhibit No. 309L.

Final Certificate No. 2819, dated Jan. 5th, 1904.

Plaintiff's Exhibit No. 309M.

Deed from Frank Martin and Ella L. Martin, husband and wife, to the Barber Lumber Company, a corporation, dated Dec. 6th, 1904; consideration \$1900.00; acknowledged before H. W. Dunton, Notary Public, conveying land described in Exhibits 309A to 310A. Filed for record at the request of the Barber Lumber Co., July 24, 1905.

Plaintiff's Exhibit No. 309N.

RELINQUISHMENT OF JAMES T. BALL.

“UNITED STATES LAND OFFICE, BOISE
CITY, IDAHO.

Involving Timber and Stone Sworn Statement No.
228, for the SW. $\frac{1}{4}$ of Section 13, Tp. 7 North
of Range 5 East, B. M.

UNITED STATES

vs.

JAMES T. BALL.

The officers of the above-entitled land office, having rejected the final proof offered by defendant on said application, after a hearing, and having ordered said application to enter, rejected and cancelled, and such proceedings having been had in said case, that the Honorable Secretary of the Interior has finally sustained said decision, and ordered said proof rejected, and said entry cancelled, and having received notice of said decision, and further notice that thirty

days will be given in which to apply for a rehearing or review of said decision:

Therefore, I, James T. Ball, of Centerville, Boise County, Idaho, said applicant to purchase, and the defendant in said case, hereby waive my right to apply for a rehearing in this case, and for a review of said decision of the Honorable Secretary of the Interior, and relinquish to the Government of the United States all right or claim, I may have on account of said application to purchase the above described land.

JAMES T. BALL.

Signed, sealed and delivered in the presence of,
NORMAN H. YOUNG."

"State of Idaho,
County of Boise,—ss.

On this 21st day of June in the year 1905, before me Norman H. Young, a Notary Public in and for said county, personally appeared James T. Ball, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Seal]

NORMAN H. YOUNG,
Notary Public."

Plaintiff's Exhibits Nos. 310A to 310M.

Plaintiff's Exhibit No. 310A.

ELLA L. MARTIN: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 1091, dated and filed Sept. 21st, 1903, for entry Northwest Quarter of the Northeast Quarter of Section 27, and West One-half of Southeast Quarter, and Northeast Quarter of the Southeast Quarter, Section 22, Tp. 6 North of Range 4 East, Boise, Idaho.

Plaintiff's Exhibit No. 310B.

Notice for Publication; witnesses for final proof, Alexander T. Ellis, Henry F. Cassidy, Thomas L. Martin, Patrick H. Downs.

Plaintiff's Exhibit No. 310C.

Affidavit of Publication.

Plaintiff's Exhibit No. 310D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 310E.

Cross-examination of witness, Henry F. Cassidy, on final proof.

Plaintiff's Exhibit No. 310F.

Testimony of witness, Henry F. Cassidy, on final proof.

Plaintiff's Exhibit No. 310G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 310H.

Testimony of witness, Patrick H. Downs, on proof.

Plaintiff's Exhibit No. 310 I.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 310J.

ANSWERS Given by Ella L. Martin, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: I did. I do.

Answer to Ques. 17: I earned the money teaching school and as Secy. of the School Board. Have had money several years.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho, up until 6 months ago, when I withdrew my money to make an investment.

Plaintiff's Exhibit No. 310K.

Testimony of Ella L. Martin, on final proof, dated January 6th, 1904.

Plaintiff's Exhibit No. 310L.

Receiver's Receipt, No. 2827, Jan. 6, 1904.

Plaintiff's Exhibit No. 310M.

Final Certificate No. 2827, Jan. 6, 1904.

Plaintiff's Exhibit No. 311.

UNITED STATES

vs.

ARTHUR ANDERSON.

Decision of Register and Receiver Involving Timber and Stone Filing No. 226, of Arthur Anderson.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Boise, Idaho, April 9, 1904.

UNITED STATES

vs.

ARTHUR ANDERSON.

Involving Timber and Stone Filing #226, for the
E. $\frac{1}{2}$ NW. $\frac{1}{4}$, W. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15, T. 7 N.,
R. 5 E., B. M.

DECISION OF REGISTER AND RECEIVER.

On September 24, 1901, Arthur Anderson of Pioneerville, Boise County, Idaho, made timber and stone sworn statement #226, at this office for the purchase of the E. $\frac{1}{2}$ NW. $\frac{1}{4}$, W. $\frac{1}{2}$ NE. $\frac{1}{4}$, Sec. 15, T. 7 N., R. 5 E., B. M. Date of final proof was set for December 5, 1901, the proof not being offered until December 10, 1901. No certificates or receipts were issued.

November 10, 1902, letter "P" the application was suspended on a report of a special agent that he found said tract on examination, to be timber land, probably mineral in character; that this entry was made in the interest and at the instance of John I. Wells of Boise, Idaho, who is associated with one Patrick Downs in carrying on an extensive timber land business, and that claimant made an agreement to transfer the land to Wells as soon as he obtained title thereto.

Notice of the suspension was served personally on the claimant December 19, 1902, application for a hearing being filed January 13, 1903, and accordingly a hearing was ordered by letter "P" of August 25, 1903. Notice of hearing issued from this office setting hearing for December 9, 1903.

Hearings in the cases of United States vs. A. E. Hunter, H. H. Wells and James T. Ball, involving timber and stone filings Nos. 227, 224 and 228, respectively, such filings being located in the same locality as that of Anderson and the charges against them being practically the same, were set for the same day, December 9, 1903, taking of testimony in

such cases being postponed until the conclusion of the Anderson case.

December 9, 1903, case was regularly called. Special Agent L. L. Sharp appearing for the Government, the defendant appearing personally and by counsel, H. S. Worthman, Esq. At request of Special Agent Sharp, M. G. Cage, Esq., was entered as counsel for the Government, assisting the special agent to which the defendant objected. At request of Mr. Worthman, for the defense, Frank Martin, Esq., was entered as associate counsel. At request of counsel for the defendant, the presenting of testimony was postponed until December 10, 1903, when the taking of testimony was prosecuted from day to day until December 30, at midnight.

Brief on behalf of the Government was filed January 30, 1904, and brief by the defense on March 28, 1904.

The testimony adduced shows that the defendant, Arthur Anderson, admitted to Special Agent Sharp on May 18, 1902, and made affidavit at that time, that he made the filing and proof at the instance of John I. Wells; that he received a portion of the purchase money from said Wells at time of making proof; that he was to receive \$237.50 net, for making the entry, and that of this sum he had been paid \$137.50. At the trial, Anderson denied the admissions made to the Special Agent, and attempted to void them by asserting he was under the influence of liquor at the time, testifying that he received \$200 from John I. Wells when he made proof, the transaction taking place in a room in the Pacific Hotel, and was a loan

from Wells though he gave no security or evidence of the debt; that after offering proof he went to the office of attorney John Kinkaid where he received \$137.50, giving a due bill for that amount; that this was a loan from Wells which he negotiated at the time he borrowed the \$200. in the Pacific Hotel earlier in the day; that he did not borrow it all at once because Wells told him he did not have enough money at the hotel.

It is shown that the defendant made admissions to other persons and before making the one to the special agent. To his friend, H. F. Cooper, on his way home after submitting the proof, he told Cooper, in response to an inquiry, to let it alone, that if he (Anderson) had it to do over again, he would not do it, that it was necessary to lie straight through. C. R. Poncia and Nelson Bottcher, old friends of Anderson at Pioneerville, Idaho, testified to Anderson's admissions to them which were substantially along the same lines of those to the special agent of May 18, 1902, the admissions being made to them during December, 1901, on the return of Anderson after offering proof. Poncia and Bottcher wrote a joint letter to Senator Dubois in January, 1902, alleging a conspiracy on the part of some persons or company, through John I. Wells, to obtain timbered lands in the Boise Basin by means of filings under the Timber and Stone Act, reciting that the people making the entries were to receive \$237.50 for the service. They state in such letter, that they are indebted to Arthur Anderson for the information and recite that, in addition to Anderson, A. P. Nugent,

H. H. Wells, James T. Ball, John Wells, Mrs. John Wells, Homer Granger, Able Edward Hunter, Mrs. Katie Hunter and T. M. Glass had also offered proofs for lands in the same locality.

Albert P. Nugent, who made timber and stone filing #25, for land in the same vicinity and at the same time as Anderson and who submitted proof at the same time made a confession and affidavit to Special Agent Sharp on June 21, 1902; that he made the filing and proof at the instance of John I. Wells; that he was to receive \$250, for making the entry for Wells; that he received the purchase money from Wells; that he took the receipt given him at the U. S. Land Office, acknowledging deposit of purchase money and fees, to John Kinkaid, who gave him \$137.50, informing him the balance of \$100, would be paid when title was transferred, the \$12.50 fees being deducted from the \$250 payment for making the entry; that John Kinkaid did not appear in the transaction until the time of proof, neither Wells nor Kinkaid made any attempt to disguise that they were interested in managing a large timber land deal, securing people to make entries and paying them for so doing, and that at the time he offered proof, H. H. Wells, James T. Ball and Able Edward Hunter, besides Anderson, made similar entries and under the same conditions. At the trial, Nugent was called on behalf of the Government, reciting in detail the particulars as to his own and Anderson's proof, testifying to substantially the same as in his affidavit of June 21, 1902, giving the particulars more minutely; that he was present, and saw Ander-

son receive the purchase money from John I. Wells in a room in the Pacific Hotel in Boise just before going to the U. S. Land Office to offer proof; that he also received the purchase money from Wells at the same time and place; that he, Anderson, Hunter, H. H. Wells, and Ball came to Boise about December 4, 1901, and did not offer proofs on the days set because they did not receive the money to make the necessary payments, John I. Wells stating the money was delayed; that on the morning of December 10, 1901, John I. Wells having informed him the money had arrived, he and Anderson went with said Wells to attorney John Kinkaid's office in the Pioneer Building where Kinkaid gave Wells money, Wells taking the same to a room in the Pacific Hotel where he gave Anderson and Nugent the purchase money; that after offering proof he went with Anderson to Kinkaid's office, surrendered the receipts to Kinkaid, and received from Kinkaid \$137.50. Nugent was subjected to a close and lengthy cross-examination by counsel for the defense, but without changing his statements in any material particular.

It is shown that John I. Wells was active in getting Anderson to apply for a hearing, and that he wrote several letters to Nugent urging him to apply for a hearing, sending him the necessary papers, stating he would see him through, and made a trip to Silver City to see Nugent for the purpose.

The witnesses for the defense were Able E. Hunter, James T. Ball, Harvey H. Wells, Arthur Anderson and John I. Wells, all interested parties.

The entries of each have similar charges against them, except that of John I. Wells, but who is alleged to be directly interested in each case. Anderson's explanation of the money transactions with Wells, in view of the admissions made, is quite clever and might be said to be plausible were it not so plain that it is an attempt to cover some ugly facts. That Anderson, when making the admissions, was sufficiently sober to tell the same story on divers occasions is shown by the testimony of Special Agent Sharp, C. R. Poncia and Nelson Bottcher.

The testimony of John I. Wells as to his connection with the Anderson proof is peculiar. His explanation as to the money transaction does not explain at all. Why should he give Anderson \$200, as he says, in the forenoon, without security or evidence of debt, and then in the afternoon have an attorney handle the transaction and secure a simple due bill for the odd amount of \$137.50 which, by the way, is the same odd amount that Nugent received at the same time and place? Clearly there was a "deal" which has been sufficiently exposed for the purposes of this case.

From the record before us and from our knowledge of the conditions and circumstances surrounding the case, we are of the opinion that Anderson was not offering the purchase for his own use and benefit, but was making the same for the use and purposes of others.

We hold that the timber and stone filing of Arthur Anderson, covering the E. $\frac{1}{2}$ NW. $\frac{1}{4}$, W. $\frac{1}{2}$ NE. $\frac{1}{4}$,

Sec. 15, T. 7 N., R. 5 E., B. M., should be cancelled.

HARRY J. SYMS,

Register.

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibits Nos. 312A to 312K.

Plaintiff's Exhibit No. 312A.

JAMES T. BALL: Residence, Centerville, Idaho; occupation, miner.

Sworn Statement No. 228, dated and filed Sept. 25, 1901, for entry of Southwest Quarter of Section 13, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 312F.

Notice for Publication; witnesses for final proof; Able E. Hunter, Harvey H. Wells, John I. Wells, Albert P. Hugent.

Plaintiff's Exhibit No. 312B.

Affidavit of James T. Ball, in re postponement date of making final proof.

**"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,**

Boise, Idaho; December 10, 1901.

James T. Ball, being first duly sworn, deposes and says, that he is the identical James T. Ball who made Timber and Stone Sworn Statement No. 228, at this office on September 25, 1901, for SW. $\frac{1}{4}$, Sec. 13, Tp. 7 N., R. 5 E., on which final proof was advertised to be made at this office on the 6th day of December, 1901; that he was unable to appear on that day or any of the subsequent days until this 10th day of

December, 1901, because the money with which he expected to make payment for this land was loaned out and he could not get it until today.

J. T. BALL.

Subscribed and sworn to before me this 10th day of December, 1901.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 312C.

ANSWERS Given by James T. Ball to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes, sir. Yes, sir.

Answer to Ques. 17: Got some of it from rental of property in the east, and some I saved from my wages.

Answer to Ques. 18: Yes, sir, Bank of Commerce, Boise, Idaho.

Plaintiff's Exhibit No. 312D.

Testimony of James T. Ball, on final proof, dated December 10th, 1901.

Plaintiff's Exhibit No. 312E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 312G.

Cross-examination of witness, Harvey H. Wells, at final proof.

Plaintiff's Exhibit No. 312H.

Testimony of witness, Harvey H. Wells, at final proof.

Plaintiff's Exhibit No. 312 I.

Cross-examination of witness, Bert Nugent, at final proof.

Plaintiff's Exhibit No. 312 J.

Testimony of witness, Bert Nugent, at final proof.

Plaintiff's Exhibit No. 312K.

Affidavit of Publication.

Plaintiff's Exhibits Nos. 313A to 313K.

Plaintiff's Exhibit No. 313A.

HARVEY WELLS: Residence, Centerville, Idaho; occupation, miner.

Sworn Statement No. 224, dated and filed Sept. 24, 1901, for entry of Southwest Quarter of Section 14, Tp. 7 North of Range 5 East, B. M.

Plaintiff's Exhibit No. 313B.

Relinquishment of Harvey H. Wells, involving Timber & Stone Sworn Statement No. 224.

Plaintiff's Exhibit No. 313C.

Cross-examination of witness, Arthur Anderson, on final proof.

Plaintiff's Exhibit No. 313D.

Testimony of witness, Arthur Anderson, at final proof.

Plaintiff's Exhibit No. 313E.

Cross-examination of witness, Burt Nugent, at final proof.

Plaintiff's Exhibit No. 313F.

Testimony of witness, Burt Nugent, at final proof.

Plaintiff's Exhibit No. 313G.

Acknowledgment by Frank Martin and Harry S. Worthman, attorneys for Harvey H. Wells, of service of decision in case of United States vs. Harvey H. Wells, involving timber & stone filing No. 274.

Plaintiff's Exhibit No. 313H.

Application for hearing charges made by Special Agent G. L. O. against the entry of Harvey H. Wells.

Plaintiff's Exhibit No. 313 I.

Notice of Appeal.

Plaintiff's Exhibit No. 313 J.

Notice of appeal, brief and argument of Harry S. Worthman and Frank Martin, attorneys for Harvey H. Wells, service of the same accepted by Louis L. Sharp & Milton G. Cage, Attorney for the U. S., May 6, 1904.

Plaintiff's Exhibit No. 313K.

LETTER FROM SECRETARY OF INTERIOR
TO COMMISSIONER G. L. O., APPROVING
REJECTION OF FILING OF HARVEY H.
WELLS.

“DEPARTMENT OF THE INTERIOR,
WASHINGTON.

May 24, 1905.

UNITED STATES

vs.

HARVEY H. WELLS.

The Commissioner of the General Land Office.

Sir: An appeal has been filed by Harvey H. Wells from the decision of your office of November 19,

1904, sustaining the decision of the local officers in rejecting his timber and stone application, and the final proof submitted by him, covering the SW. $\frac{1}{4}$ of Sec. 14, T. 7 N., R. 5 E., Boise, Idaho.

By stipulation this case was consolidated with those of United States v. Able Edward Hunter and United States v. James T. Ball, the testimony therein to be considered in determining the three cases; and it was further stipulated that the testimony taken in the case of United States v. Arthur Anderson from the same land district should also be considered in connection with said three cases.

Upon careful examination of all the matters presented by the combined records no good reason appears for disturbing the action taken by your office and the same is hereby affirmed.

The papers are returned.

Very respectfully,

E. A. HITCHCOCK,

Secretary."

Plaintiff's Exhibits Nos. 314A to 314K.

Plaintiff's Exhibit No. 314A.

LEONORA HOLLISTER: Residence, Boise.

Notice for Publication; witnesses for final proof, filing of Sworn Statement No. 252, for entry of North One-half of the Northeast Quarter and South-west quarter of the Northeast Quarter, and North-west Quarter of the Southeast Quarter, Section 18, Tp. 7 North of Range 5 East, Boise Meridian. Witnesses for final proof, James Hamilton, Joseph M. Hollister, Patrick H. Downs, Charles Balentine.

Plaintiff's Exhibit No. 314B.

Certificate of Register and Receiver, in re postponement date of making final proof.

Plaintiff's Exhibit No. 314C.

Affidavit of Leonora Hollister, in re postponement date of making final proof.

Plaintiff's Exhibit No. 314D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 314E.

Certificate of Register and Receiver, in re discrepancy between date of making proof, and Receiver's Receipt and Register's Certificate.

Plaintiff's Exhibit No. 314F.

Affidavit of Publication.

Plaintiff's Exhibit No. 314G.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 314H.

Cross-examination of witness, Charles W. Balentine, on final proof.

Plaintiff's Exhibit No. 314 I.

Testimony of witness, Charles W. Balentine on final proof.

Plaintiff's Exhibit No. 314 J.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 314K.

Testimony of Patrick H. Downs on final proof.

Plaintiff's Exhibits Nos. 315A to 315E.

Plaintiff's Exhibit No. 315A.

JOHN M. NEIL: Residence, Boise, Ida. See, also, Exhibit No. 18.

Affidavit of Publication.

Plaintiff's Exhibit No. 315B.

Notice for Publication; witnesses for final proof, E. J. Dockery, Eva Hunt Dockery, Patrick H. Downs and John I. Wells.

Plaintiff's Exhibit No. 315C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 315D.

Testimony of witness, E. J. Dockery, on final proof.

Plaintiff's Exhibit No. 315E.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibits Nos. 316A to 316 I.

Plaintiff's Exhibit No. 316C.

IDA M. BRIGGS: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 295, dated and filed, Dec. 19, 1901, for entry of Lots 1 and 2, and South One-half of the Northeast Quarter of Section 1, Tp. 7 North of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 316D.

Notice for Publication; witnesses for final proof, John I. Wells, Dora Burns, Patrick H. Downs and John Gary.

Plaintiff's Exhibit No. 316E.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 316F.

Cross-examination of witness, Dora C. Burns, on final proof.

Plaintiff's Exhibit No. 316G.

Testimony of witness, Dora C. Burns, on final proof.

Plaintiff's Exhibit No. 316H.

Cross-examination of witness, John R. Gary, on final proof.

Plaintiff's Exhibit No. 316 I.

Testimony of witness, John R. Gary, on final proof.

Plaintiff's Exhibit No. 316 J.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 316K.

ANSWERS Given by Ida M. Briggs, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: I did. I do.

Answer to Question 17: From our savings, from my husband's earnings and some for 5 years.

Answer to Question 18: No, sir. I keep it at home. Residence, 432 Lover's Lane, Boise, Idaho.

Plaintiff's Exhibit No. 316L.

Testimony of Ida M. Briggs, at final proof. Dated March 6th, 1902.

Plaintiff's Exhibit No. 316A.

Relinquishment of Ida M. Briggs and request of refund of money deposited at time of making proof.

Plaintiff's Exhibit No. 316B.

Letter from Register and Receiver to Commissioner, G. L. O., in re relinquishment and abandonment of filing made by Ida M. Briggs, and statement that purchase money has been returned.

Plaintiff's Exhibits Nos. 317A to 317F.

Plaintiff's Exhibit No. 317A.

CHARLES W. BALENTINE: Residence, Boise, Ida. See, also, Exhibit 10.

Affidavit of Publication.

Plaintiff's Exhibit No. 317B.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 317C.

Cross-examination of witness, Joseph M. Hollister, on final proof.

Plaintiff's Exhibit No. 317D.

Testimony of witness, Joseph M. Hollister, on final proof.

Plaintiff's Exhibit No. 317E.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 317F.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibits Nos. 318A to 318H.**Plaintiff's Exhibit No. 318A.**

LOUISA B. WEST: Residence, Boise, Ida. (See, also, Exhibit No. 9.)

Non-mineral Affidavit.

Plaintiff's Exhibit No. 318B.

Affidavit of Publication.

Plaintiff's Exhibit No. 318C.

Notice for Publication; witnesses for final proof, Charles Nelson, Gustus Link, John I. Wells, John Keane.

Plaintiff's Exhibit No. 318D.

Cross-examination of witness, Gustave A. Link, on final proof.

Plaintiff's Exhibit No. 318E.

Testimony of witness, Gustave A. Link, on final proof.

Plaintiff's Exhibit No. 318F.

Cross-examination of witness, Charles Nelson, on final proof.

Plaintiff's Exhibit No. 318G.

Testimony of witness, Charles Nelson, on final proof.

Plaintiff's Exhibit No. 318H.

Certificate of Register and Receiver, in re discrepancy between date of Certificate and Receiver's Receipt, and date of proof.

Plaintiff's Exhibits Nos. 319A to 319H.

Plaintiff's Exhibit No. 319A.

LOUIS NIBLER: Residence, Boise, Idaho.
(See, also, Exhibit No. 17.)

REPORT OF REGISTER AND RECEIVER, IN
RE TIMBER AND STONE SWORN STATE-
MENT No. 261, OF LOUIS NIBLER.

“DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE,

Boise, Idaho, January, 28, 1902.

In re Timber and Stone Sworn Statement No. 261,
of Louis Nibler, for SE. $\frac{1}{4}$, Sec. 23 Tp. 7 N. R.
5 E.

REPORT OF REGISTER AND RECEIVER.

Final proof in this case was offered this day and the testimony of claimant and witnesses taken. Final certificate and receipt were not issued, per letter “p” of July 13, 1901.

Pursuant to the instructions contained in said letter, we have the honor to report that the instructions relative to the manner of taking such proof were carefully followed in this case; that the questions propounded to the claimant and witnesses were explained fully when necessary; that we are satisfied that the answers were made understandingly; that section 5392 of the Revised Statutes was read to the claimant and witnesses.

This is a filing for land in the Boise Basin. The entrymen offered the proof in a straightforward manner—his bearing and conduct being apparently

open and frank. From the testimony it appears to be an entry within the law and should therefore be allowed.

JAMES KING,
Register.

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 319B.

Affidavit of Publication.

Plaintiff's Exhibit No. 319C.

Notice for Publication; witnesses for final proof, Charles Nelson, Louisa B. West, Patrick H. Downs, Henry A. Snow.

Plaintiff's Exhibit No. 319D.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 319E.

Cross-examination of witness, Charles Nelson, on final proof.

Plaintiff's Exhibit No. 319F.

Testimony of witness, Charles Nelson, on final proof.

Plaintiff's Exhibit No. 319G.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 319H.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibits Nos. 320A to 320B.

FREDERICK THURMAN: (See, also, Exhibit No. 40.)

Plaintiff's Exhibit No. 320A.

Cross-examination of witness, Adella C. Brookhart, on final proof.

Plaintiff's Exhibit No. 320B.

Testimony of witness, Adella C. Brookhart, on final proof.

QUITCLAIM DEEDS.

Plaintiff's Exhibits Nos. 321A to 321D.

Plaintiff's Exhibit No. 321A.

Has been copied in the record at page 2871, et seq.

QUITCLAIM DEED: A. E. Palmer to Barber Lumber Company, dated May 27, 1905; consideration \$1.00, and other valuable consideration; conveying 16,025 and 92/100 acres, more or less. Acknowledged before W. I. Boland, Notary Public, in and for the Province of Ontario Canada. Filed for record at the request of the Barber Lumber Company, June 3d, 1905.

Plaintiff's Exhibit No. 321B.

Has been copied in the record at page 2877, et seq.

QUITCLAIM DEED: Albert E. Palmer to the Barber Lumber Company, dated June 20, 1905; consideration \$1.00, and other valuable considerations conveying 480 acres; acknowledged before W. I. Boland, Notary Public. Filed for record at the request of the Barber Lumber Company, July 5th, 1905.

Plaintiff's Exhibit No. 321C.

Has been copied in the record at page 2879 et seq.

QUITCLAIM DEED from Horace S. Rand and

Ruth G. Rand to the Barber Lumber Company, dated July 24, 1905; consideration, \$1.00 and other valuable considerations, conveying 15,496 and 65/100 acres more or less; acknowledged before William F. Gilman, Notary Public, County of Des Moines, Iowa. Filed for record at the request of the Barber Lumber Company, July 28, 1905.

Plaintiff's Exhibit No. 321D.

Has been copied in the record at page 2886 et seq.

QUITCLAIM DEED from George S. Long and Harriet B. Long, dated April 25, 1905; consideration \$1.00 and other valuable considerations, conveying 4474 and 83/100 acres more or less; acknowledged before Hugh Stewart, Notary Public, State of Washington, Filed for record at the request of the Barber Lumber Company, Feb. 15, 1905.

Plaintiff's Exhibits Nos. 322A to 322 I.

Plaintiff's Exhibit No. 322A.

WILLIAM W. ABRAMS: Residence, Boise, Ida.

Notice for Publication; witnesses for final proof, Louis F. Folsom, Charles W. Balentine, Henry A. Snow, and Patrick H. Downs.

Plaintiff's Exhibit No. 322B.

Affidavit of Publication.

Plaintiff's Exhibit No. 322C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 322D.

Affidavit of Publication of William F. Snow.

Plaintiff's Exhibit No. 322E.

Certificate of Register and Receiver, in re dis-

crepancy between date of proof and Register's Certificate and Receiver's Receipt.

Plaintiff's Exhibit No. 322F.

Cross-examination of Louis L. Folsom, on final proof, witness.

Plaintiff's Exhibit No. 322G.

Testimony of Louis L. Folsom, witness on final proof.

Plaintiff's Exhibit No. 322H.

Cross-examination Patrick H. Downs, witness on final proof.

Plaintiff's Exhibit No. 322 I.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibits Nos. 323A to 323L.

Plaintiff's Exhibit No. 323B.

PATRICK H. DOWNS: Residence, Boise, Ida.; occupation, woodsman.

Sworn Statement No. 204, dated and filed Aug. 17, 1901, for entry of North One-half of the Northeast Quarter North One-half of the Northwest Quarter, Section 17, Tp. 7, North of 5 East, Boise Meridian.

Plaintiff's Exhibit No. 323A.

Notice for Publication; witness for final proof, Thomas J. Manning, Henry A. Snow, Julia M. Anderson, and Rose A. Walker.

Plaintiff's Exhibit No. 323C.

ANSWERS Given by Patrick H. Downs to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: Money that I have saved up from my earnings during past 4 years.

Answer to Question 18: No, sir. Have had some of my money at interest in Minneapolis, Minn.

Plaintiff's Exhibit No. 323D.

Testimony of Patrick H. Downs, on final proof.
Dated November 13, 1901.

Plaintiff's Exhibit No. 323E.

Receiver's Receipt No. 1977, dated July 26, 1902.

Plaintiff's Exhibit No. 323F.

Final Receipt No. 1977, dated July 26, 1902.

Plaintiff's Exhibit No. 323G.

Cross-examination of witness, Henry A. Snow, at final proof.

Plaintiff's Exhibit No. 323H.

Testimony of witness, Henry A. Snow, at final proof.

Plaintiff's Exhibit No. 323I.

Cross-examination of witness, Julia M. Anderson, on final proof.

Plaintiff's Exhibit No. 323J.

Testimony of witness, Julia M. Anderson, on final proof.

Plaintiff's Exhibit No. 323K.

AFFIDAVIT OF P. H. DOWNS, IN RE POST-
PONEMENT DATE OF MAKING PROOF.

“DEPARTMENT OF THE INTERIOR,

United States Land Office.

Boise, Idaho, November 13, 1901.

Patrick H. Downs, being first duly sworn, deposes

and says that he is the identical Patrick H. Downs who made Timber and Stone Sworn Statement No. 204, at the Boise, Idaho, Land Office, on August 17, 1901, for the N. $\frac{1}{2}$ NE. $\frac{1}{4}$, N. $\frac{1}{2}$ NW. $\frac{1}{4}$, Sec. 17, Tp. 7 N., R. 5 E., on which final proof was advertised to be made November 5, 1901; that he was unable to appear and offer proof on said day because he had his money out at interest in Minneapolis, Minn., and was unable to collect it so as to make payment for this land before this 13th day of November, 1901.

P. H. DOWNS.

Subscribed and sworn to before me this 13th day of November, 1901.

EDWARD E. GARRETT,
Receiver.

Plaintiff's Exhibit No. 323L.

Patent dated Feb. 1st, 1904, to P. H. Downs, for land described in Exhibit No. 323B.

Plaintiff's Exhibits Nos. 324A to 324N.

Plaintiff's Exhibit No. 324B.

WILLIAM F. SNOW: Residence, Boise, Idaho; occupation, woodsman.

Sworn Statement No. 215, dated and filed Sept. 10, 1901, for entry of West One-half of the Northwest Quarter, West One-half of the Southwest Quarter, Section 22, Tp. 7 North, of Range 5 East, Boise Meridian.

Plaintiff's Exhibit No. 324A.

Non-alienation Affidavit.

Plaintiff's Exhibit No. 324C.

Non-mineral Affidavit.

Plaintiff's Exhibit No. 324D.

Notice for Publication; witnesses for final proof, Thomas J. Manning, Patrick H. Downs, Henry A. Snow, Charles Hamilton.

Plaintiff's Exhibit No. 324E.

AFFIDAVIT OF HENRY A. SNOW, IN RE
POSTPONEMENT DATE OF MAKING
FINAL PROOF.

“DEPARTMENT OF THE INTERIOR,
United States Land Office,

Boise, Idaho, November 30, 1901.

Wm. F. Snow, being first duly sworn, deposes and says that he is the identical Wm. F. Snow, who made Timber and Stone Sworn Statement No. 215, for the W. $\frac{1}{2}$ NW. $\frac{1}{4}$, W. $\frac{1}{2}$ SW. $\frac{1}{4}$, Sec. 22, Tp. 7 N., R. 5 E., at this office, on September 10, 1901, final proof for which was advertised to be made at this office on the 21st day of November, 1901; that he was unable to appear and offer proof on said 21st day of November, 1901, for the reason that the money with which he intended to pay for this land was out at interest and he could not obtain possession of it before this 30th day of November, 1901.

WM. F. SNOW.

Subscribed and sworn to before me this 30th day of November, 1901.

EDWARD E. GARRETT,

Receiver.”

Plaintiff's Exhibit No. 324F.

ANSWERS Given by William F. Snow, on Cross-examination, to Questions 16, 17 and 18, on Final Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: I saved it from my earnings.

Answer to Question 18: Not in last six months, prior had some deposited with Farmers' & Mechanics' Bank at Minneapolis. I have had some money loaned to a friend and have just succeeded in getting repayment.

Plaintiff's Exhibit No. 324G.

Testimony of William F. Snow on final proof.
Dated Nov. 30th, 1901.

Plaintiff's Exhibit No. 324H.

Cross-examination of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 324 I.

Testimony of witness, Patrick H. Downs, on final proof.

Plaintiff's Exhibit No. 324J.

Cross-examination of witness, James H. Hamilton, on final proof.

Plaintiff's Exhibit No. 324K.

Testimony of witness, James H. Hamilton, on final proof.

Plaintiff's Exhibit No. 324L.

Receiver's Receipt, No. 2123, dated Oct. 14, 1902.

Plaintiff's Exhibit No. 324M.

Final Certificate No. 2123, dated Oct. 14, 1902.

Plaintiff's Exhibit No. 324N.

Patent dated Feb. 1st, 1904, to William F. Snow,
for land described in Exhibit 324B.

Plaintiff's Exhibits Nos. 325A to 325C.**Plaintiff's Exhibit No. 325A.**

LETTER OF EDWARD E. GARRETT, RE-
CEIVER, TO COMMISSIONER G. L. O.,
IN RE APPLICATION OF ARTHUR AN-
DERSON.

“DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, August 10, 1905.

UNITED STATES,

vs.

ARTHUR ANDERSON.

Involving timber and stone application for the E. $\frac{1}{2}$
NW. $\frac{1}{4}$ and W. $\frac{1}{2}$ NE. $\frac{1}{4}$ Sec. 15, T. 7 N., R.
5 E., B. M., No. 226.

Honorable Commissioner,

General Land Office,

Washington, D. C.

Sir:—Notice of Departmental decision of May 24,
1905, in the above-entitled case, promulgated by
your letter ‘p’ of June 3, 1905, was given Frank
Martin, Esq., personally, on June 13, 1905, as attor-
ney for the interested party. No motion for review
has been filed.

The said Arthur Anderson, through his said attorney, Frank Martin, has filed the enclosed waiver of right to apply for rehearing or review in the case, and relinquishment of all rights to the land involved.

Simultaneous with the filing of said waiver which was presented by said attorney, there was presented the timber and stone application of Leon S. Simpson for said tract of land. This office suspended action on the said timber and stone application pending the closing of such case, under rule 53 of Practice.

Very respectfully,

EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 325B.

LETTER OF EDWARD E. GARRETT, RECEIVER, TO COMMISSIONER G. L. O., IN RE APPLICATION OF JAMES T. BALL.

"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, August 10, 1905.

UNITED STATES,

vs.

JAMES T. BALL.

Involving timber and stone sworn statement No.

228, for SW. $\frac{1}{4}$ Sec. 13, T. 7 N., R. 5 E., B. M.

Honorable Commissioner,

General Land Office,

Washington, D. C.

Sir:—Notice of Departmental decision of May 24,

1905, in the above-entitled case, promulgated by your letter 'p' of June 3, 1905, was given Frank Martin, Esq., attorney for the Interested party, personally, on June 13, 1905. No motion for review has been filed.

The said James T. Ball, through his said attorney, Frank Martin, has filed the enclosed waiver of right to apply for rehearing or review in the case, and relinquishment of all rights to the land involved.

Simultaneous with the filing of said waiver which was presented by said attorney, there was presented the timber and stone application of Eleanor A. Phelps for said tract of land. This office suspended action on the said timber and stone application pending the closing of such case, under Rule 53 of Practice.

Very respectfully,

EDWARD E. GARRETT,

Receiver."

Plaintiff's Exhibit No. 325C.

LETTER FROM EDWARD E. GARRETT, RECEIVER, TO COMMISSIONER G. L. O., IN RE APPLICATION OF ABLE EDWARD HUNTER.

"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, August 10, 1905.

UNITED STATES,

vs.

ABLE EDWARD HUNTER.

Involving timber and stone sworn statement No.
227, C. E., No. 1984, for SE. $\frac{1}{4}$, Sec. 14 T. 7 N.,
R. 5 E., B. M.

Honorable Commissioner,
General Land Office,
Washington, D. C.

Sir:—Notice of Departmental decision of May 24, 1905, in the above-entitled case, promulgated by your letter 'p' of June 3, 1905, was given Frank Martin, Esq., attorney for the interested party, personally, on June 13, 1905. No motion for review has been filed.

The said Able Edward Hunter, through his said attorney, Frank Martin, has filed the enclosed waiver of right to apply for rehearing or review in the case, and relinquishment of all rights to the land involved.

Simultaneous with the filing of said waiver which was presented by said attorney, there was presented the timber and stone application of Lorenzo D. Martin for said tract of land. This office suspended action on the said timber and stone application pending the closing of such case, under Rule 53 of Practice.

Very respectfully,
EDWARD E. GARRETT,
Receiver."

Plaintiff's Exhibit No. 326.

Certified copies of Articles of Incorporation, designation of agent, and amendment to Articles of Incorporation of the Barber Lumber Company, Incorporated, July 9, 1902, under the laws of Wisconsin.

sin. Incorporators, J. T. Barber, S. G. Moon, C. W. Lockwood. April 10, 1903, Barber Lumber Company, by J. T. Barber, President. Attested by S. G. Moon, Secretary, designated John M. Haines as its authorized agent in the State of Idaho.

May 13, 1903, certified copy of said Articles of Incorporation filed in said office, Secretary of State for Idaho.

Complainant's Exhibits Long "A" to Long "F."

Complainant's Exhibit Long "A."

Letter from James T. Barber to Mr. George S. Long.

(Copied in record at page 2941)

Complainant's Exhibit Long "B."

Letter from George S. Long to Mr. James T. Barber.

(Copied in record at page 2942)

Complainant's Exhibit Long "C."

Letter from L. G. Chapman to Mr. George S. Long.

(Copied in record at page 2944)

Complainant's Exhibit Long "D."

Letter from George S. Long to Mr. L. G. Chapman.

(Copied in record at page 2945)

Complainant's Exhibit Long "E."

Letter from L. G. Chapman to Mr. George S. Long.

(Copied in record at page 2946)

Complainant's Exhibit Long "F."

Letter from George S. Long to Barber Lumber Company.

(Copied in record at page 2947)

Plaintiff's Exhibit Harry B. Noble No. 1.

HARRY NOBLE: Residence, Boise, Idaho; occupation, student.

Sworn Statement No. 1058, dated and filed Sept. 14, 1903, for entry of Southwest Quarter of Section 28, Tp. 6 North of Range 4 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John K. Woodburn, Lorin T. Kinert, Charles B. Faraday, and Rice J. Harbaugh.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Harry B. Noble, on final proof, dated December 24, 1903.

ANSWERS Given to Questions 16, 17 and 18 on
Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: Money was inherited from my father; have had money 4 or 5 years.

Answer to Ques. 18: Capital State Bank, Boise, Idaho.

Testimony of witness, Lorin T. Kinert, on final proof.

Cross-examination of witness, Lorin T. Kinert, on final proof.

Testimony of witness, John K. Woodburn, on final proof.

Cross-examination of witness, John K. Woodburn, on final proof.

Receiver's Receipt No. 2802, dated December 24, 1903.

Final Certificate No. 2802, dated Dec. 24, 1903.

Deed from Harry B. Noble to George S. Long, dated February 4, 1904; consideration, \$800.00; acknowledged before W. L. Payne, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Sworn Statement, Exhibit Harry B. Noble No. 1.

Patent to Harry B. Noble, dated 1st day of December, 1904, for land described in Sworn Statement of Exhibit Harry B. Noble No. 1.

Plaintiff's Exhibit A. B. Ewing No. 1.

ALBERT B. EWING: Residence, Boise, Idaho; occupation, merchant.

Sworn Statement No. 496, dated and filed Aug. 11, 1902, for entry of Lots 3 and 4, and East One-half of the Southwest Quarter, Section 7, Tp. 7 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Robert E. Heel, Wm. Humphrey, George S. Warren, John I. Wells.

Affidavit for Publication.

Non-mineral Affidavit.

Testimony of Albert B. Ewing, on final proof, dated November 7th, 1902.

ANSWERS Given by Albert B. Ewing, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: I did, and I do.

Answer to Ques. 17: 6 or 7 years; sale of real estate.

Answer to Ques. 18: Yes, at Mankato, Minnesota National Bank, First National Bank, Boise, Idaho.

Testimony of witness, William Humphrey, on final proof.

Testimony of witness, George S. Warren, on final proof.

Receiver's Receipt No. 2153, dated November 7, 1902.

Final Certificate No. 2153, dated Nov. 7, 1902.

Patent dated May 24, 1904, to Albert B. Ewing, for land described in Exhibit A. B. Ewing No. 1 Sworn Statement.

Plaintiff's Exhibit Beckley No. 1.

MANTIE BECKLEY: Residence, Boise, Idaho; occupation, housewife.

Sworn Statement No. 650, dated and filed Oct. 3rd, 1902, for entry of Southwest Quarter of Section 22, Tp. 7 North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Joseph Sullivan, Patrick H. Downs, Elizabeth Schmelzel, Helen Sullivan.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Mantie Beckley, on final proof, dated February 12, 1903.

ANSWERS Given by Mantie Beckley, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes. I do.

Answer to Ques. 17: My husband gave it to me.

Answer to Ques. 18: No.

Non-alienation Affidavit.

Testimony of witness, Joseph Sullivan, on final proof.

Cross-examination of witness, Joseph Sullivan, on final proof.

Testimony of Elizabeth Schmelzel, witness on final proof.

Cross-examination of Elizabeth Schmelzel, witness on final proof.

Receiver's Receipt No. 2303, dated Feb. 12, 1903.

Final Certificate No. 2303, dated Feb. 12, 1903.

Certificate of Register and Receiver in re discrepancy between date of final proof and Receiver's Receipt, and Register's Certificate.

Patent to Mantie Beckley, dated June 10, 1904, for land described in Sworn Statement of Plaintiff's Exhibit, Beckley No. 1.

Plaintiff's Exhibit Beckley No. 2.

CHARLES R. BECKLEY: Residence, Boise, Idaho; occupation, lumberman.

Sworn Statement No. 652, and dated and filed Oct. 3d, 1902, for entry of North One-half of the Northwest Quarter, and Southwest Quarter of the Northwest Quarter, and Northwest Quarter of the Southwest Quarter, of Section 26, Tp. 7 North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Joseph Sullivan, Patrick H. Downs, Elizabeth Schmelzel, Helen Sullivan.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Charles R. Beckley, on final proof, dated February 12, 1903.

ANSWERS Given by Charles R. Beckley to Ques-

tions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: My lumber business; three years.

Answer to Ques. 18: Yes, Capital State Bank, Boise, Idaho.

Testimony of witness, Elizabeth Schmelzel, on final proof.

Cross-examination of witness, Elizabeth Schmelzel, on final proof.

Testimony of witness, Joseph Sullivan, on final proof.

Cross-examination of witness, Joseph Sullivan, on final proof.

AFFIDAVIT.

“UNITED STATES LAND OFFICE,

Boise, Idaho, February 12, 1903.

Charles R. Beckley, being first duly sworn, deposes and says:

That he is the identical person who made timber and stone sworn statement #652 at this office on October 3d, 1902, for the purchase of the N. $\frac{1}{2}$ NW. $\frac{1}{4}$, SW. $\frac{1}{4}$ NW. $\frac{1}{4}$, and NW. $\frac{1}{4}$ SW. $\frac{1}{4}$, Sec. 26, Tp. 7 N., R. 8 E., B. M., and who advertised to offer proof on the 11th day of February, 1903; that the reason he did not appear on said 11th day of February, 1903, to offer proof was that he did not have the money for his proof and his wife's proof, and as they had the same witnesses they wanted to offer proof at the same time.

CHARLES R. BECKLEY.

Subscribed and sworn to before me this 12th day of February, 1903.

HARRY J. SYMS,
Register."

Receiver's Receipt No. 2302, dated Feb. 12, 1903.

Final Certificate No. 2302, dated Feb. 12, 1903.

Deed from Charles R. Beckley and Mantie, to Horace S. Rand; consideration \$1600.00; dated Feb. 13, 1903; acknowledged before L. M. Pritchard, Notary Public, and filed for record at the request of W. E. Borah, July 1st, 1904. Conveys land described in Exhibits, Beckley No. 1 and 2, Sworn Statements.

Patent to Charles R. Beckley, dated June 10, 1904, for land described in Sworn Statement of Exhibit Beckley No. 2.

Complainant's Exhibits Henry Humphrey No. 1.

HENRY HUMPHREY: Residence, Boise, Idaho; occupation, merchant.

Sworn Statement No. 369, dated and filed April 29, 1902, for entry of East One-half of the Northwest Quarter Section 28, and the East One-half of Southwest Quarter, Section 21, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, John W. Williams, Patrick H. Downs, Roy Dye, Gertrude Lewin.

Notice for Publication; witnesses for final proof, John W. Williams, Patrick H. Downs, Roy Dye, Gertrude Lewin.

Affidavit of Publication.

Affidavit of Re-publication.

Non-mineral Affidavit.

Testimony of Henry Humphrey, at final proof, dated July 17, 1902.

ANSWERS Given by Henry Humphrey to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: I got it from Minnesota from where I formerly lived. Ten years.

Answer to Ques. 18: Yes, since March, 1902, at 1st Natl. Bank, Boise, Idaho, prior to that in Minnesota.

Testimony of witness, John W. Williams, on final proof.

Testimony of witness, Roy Dye, on final proof.

Receiver's Receipt No. 1935, July 17, 1902.

Final Certificate dated July 17, 1902, No. 1935.

Deed Henry Humphrey and wife to A. E. Palmer dated Nov. 12, 1903; consideration \$650.00; acknowledged before L. M. Pritchard, N. P., and filed for record June 27, 1904, at the request of W. E. Borah. Conveys land described in Exhibit, Henry Humphrey No. 1, Sworn Statement.

Patent to Henry Humphrey, dated Dec. 29, 1904, for land described in Sworn Statement of Exhibit Henry Humphrey No. 1.

Complainant's Exhibit Willard C. Austin No. 1.

WILLARD C. AUSTIN: Residence, Boise, Idaho; occupation, miner.

Sworn Statement No. 944, dated and filed July 10, 1903, for entry of North One-half of the Southwest Quarter, Southwest Quarter of the Southwest Quar-

ter of Section 22, and Northeast Quarter of the Southeast Quarter of Section 21, Tp. 7 North of Range 7 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Samuel S. Horner, Hortense D. Horner, Ada V. Austin, Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Willard C. Austin, at final proof.
Dated Oct. 13, 1903.

ANSWERS Given by Willard C. Austin, at Final Proof, on Cross-examination, to Questions 16, 17 and 18.

Answer to Question 16: I did and I do.

Answer to Question 17: Earned it; have an account with the bank.

Answer to Question 18: Yes, with the Bank of Commerce, Boise, Idaho.

Testimony of witness, Samuel S. Horner, at final proof.

Cross-examination of witness, Samuel S. Horner, at final proof.

Testimony of witness, Hortense D. Horner, at final proof.

Cross-examination of witness, Hortense D. Horner, at final proof.

Receiver's Receipt No. 2645, dated Oct. 13, 1903.

Final Certificate No. 2645, dated Oct. 13, 1903.

Deed from Willard C. Austin, and Ada V. Austin, to Horace S. Rand, dated Nov. 6, 1903; consideration \$1600.00; acknowledged before L. M. Pritchard. N. P., and filed for record at the request of W. E.

Borah, July 1st, 1904, conveying land described in Complainant's Exhibit Willard C. Austin No. I, and Exhibit No. 226, Sworn Statement therein.

Patent to Willard C. Austin, dated Sept. 9, 1904, for land described in Exhibit Willard C. Austin, No. 1.

Complainant's Exhibit Lettie L. Stephenson No. 1.

LETTIE L. STEPHENSON: Residence, Boise, Idaho; housewife.

Sworn Statement No. 304, dated and filed December 24, 1901, for entry of Southeast Quarter of Section 34, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, A. Brookhart, Charles Wilmot, Fred McBurney, and James Baker.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Lettie L. Stephenson, on final proof, dated March 13th, 1902.

ANSWERS Given by Lettie L. Stephenson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16: Yes, sir. Yes, sir.

Answer to Question 17: From my father, he gave it to me. I have had it in my possession several months. My father's name is Frank Brookhart, he lives in Boise.

Answer to Question 18: No, sir.

Testimony of witness, Arthur E. Brookhart, at final proof.

Cross-examination of witness, Arthur E. Brookhart, at final proof.

Testimony of Uriah Frederick McBurney, on final proof. Witness.

Cross-examination of witness, Uriah Frederick McBurney, on final proof.

Receiver's Receipt No. 1944, dated July 18, 1902.

Final Certificate No. 1944, dated July 18, 1902.

Affidavit of Arthur E. Brookhart, and Lettie L. Stephenson, correcting the name of Arthur E. Brookhart.

Non-alienation Affidavit.

Certificate of Register and Receiver, in re discrepancy between date of proof, and Register's Certificate and Receiver's Receipt.

Report of Register and Receiver in re report of Lettie L. Stephenson.

Certified Copy of Patent, dated March 17, 1904, to Lettie L. Stephenson to land described in Sworn Statement in Exhibit L. L. Stephenson No. 1.

Patent to Lettie L. Stephenson, dated March 17, 1904, for land described in Sworn Statement Exhibit Lettie L. Stephenson No. 1.

Complainant's Exhibit Martin S. Stephenson No. 1.

MARTIN S. STEPHENSON: Residence, Boise, Ida.; occupation, teamster.

Sworn Statement No. 305, dated and filed Sept. 24, 1901, for entry of East One-half of the Northeast Quarter Section 33 and West One-half of the Northwest Quarter Section 34, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Art. Brookhart, Charles Wilmot, Fred McBurney, and James Baker.

Non-mineral Affidavit.

Testimony of Martin S. Stephenson, on final proof. Dated March 14, 1902.

ANSWERS Given by Martin S. Stephenson to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. I got it differently, part out of the livery business and part for freighting, I borrowed none. Some since 1st of year and some longer.

Answer to Question 18. No, sir, I kept my money at Regan's store at different times.

Testimony of witness, Arthur E. Brookhart, on final proof.

Cross-examination of witness, Arthur E. Brookhart, on final proof.

Testimony of witness, Uriah Frederick McBurney, on final proof.

Cross-examination of witness, Uriah Frederick McBurney, on final proof.

Final Certificate No. 1945, dated July 18, 1902.

Receiver's Receipt No. 1945, dated July 18, 1902.

Non-alienation Affidavit.

Deed from Martin S. Stephenson and Lettie L. Stephenson, to A. E. Palmer, dated Sept. 15, 1903, consideration \$2,000.00, acknowledged before L. M. Pritchard, N. P., and filed for record June 27, 1904, at the request of W. E. Borah, conveying lands em-

braced in Exhibit Martin L. Stephenson, No. 1 and Lettie L. Stephenson, No. 1. Sworn Statement therein. .

Certified copy of patent dated March 17, 1904.

Patent to Martin S. Stephenson, dated March 17, 1904, for land described in Complainant's Exhibit Martin S. Stephenson, No. 1. Sworn Statement therein.

Complainant's Exhibits A. J. Foster No. 1.

Letter from A. J. Foster to A. B. Campbell, dated, Tacoma, Wash., October 27, 1902.

Copied in record at page 3241.

Letter from W. A. Richards, Acting Commissioner, G. L. O., to A. G. Foster, dated Washington, D. C., September 2, 1902.

Copied in record at page 3242.

Complainant's Exhibit Frank Lane No. 1.

FRANK LANE: Residence, Boise, Ida.; occupation, miner.

Sworn Statement No. 354, dated and filed April 4, 1902, for entry of East One-half of the Northwest Quarter and East One-half of the Southwest Quarter Section 35, Tp. 8 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, William Roberts, James Baker, John I. Wells and Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Frank Lane on final proof. Dated July 7th, 1902.

ANSWERS Given by Frank Lane to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Question 16. Yes, sir. Yes, sir.

Answer to Question 17. I had part of it and part I borrowed from my brother W. C. Lane, of Boise. I borrowed \$200.00 from him this morning. The balance I had about 6 months.

Answer to Question 18. No, sir.

Testimony of witness, John I. Wells, on final proof.

Cross-examination of witness, John I. Wells, on final proof.

Testimony of witness, Patrick H. Downs, on final proof.

Cross-examination of witness, Patrick H. Downs, on final proof.

Receiver' Receipt, No. 1899, dated July 7, 1902.

Final Certificate No. 1899, dated July 7, 1902.

Deed from Frank Lane and wife to A. E. Palmer, dated March 14, 1902, consideration \$1,000.00, acknowledged before L. M. Pritchard, N. P., and filed for record at the request of W. E. Borah, Feb. 17, 1904. Conveys land described in Exhibit Frank Lane No. 1, Sworn Statement.

Patent to Frank Lane, dated Jan. 28, 1904, for land described in Sworn Statement, Exhibit Frank Lane No. 1.

Complainant's Exhibit Aaron Ownbey No. 1.

AARON OWNBEY: Residence, Boise, Idaho; occupation, farmer.

Sworn Statement No. 558, dated and filed Sept. 6th, 1902, for entry of South One-half of the Southeast Quarter, and East One-half of the Southwest Quarter of Section 9, Tp. 7 North of Range 8 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Patrick H. Downs, E. H. Starn, John Youngkin, and Mrs. Mary Starn.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Aaron Ownbey, at final proof, dated December 18, 1902.

ANSWERS Given by Aaron Ownbey, to Questions 16, 17 and 18, on Cross-examination at Final Proof.

Answer to Ques. 16: Yes.

Answer to Ques. 17: The money is what I have saved from my income as farmer and from toll roads. I collected part of it yesterday from parties owing me; have had more than that amount several years.

Answer to Ques. 18: Yes, Bank of Commerce, Boise, Idaho.

Testimony of witness, E. H. Starn, on final proof.

Testimony of witness, Patrick H. Downs.

Receiver's Receipt No. 2223, dated Dec. 18, 1902.

Final Certificate No. 2223, dated Dec. 18, 1902.

Patent to Aaron Ownbey, dated May 13, 1904, for land described in Sworn Statement, Exhibit Aaron Ownbey, No. 1.

Plaintiff's Exhibits No. ———.

Northern Pacific Land List No. 1

Northern Pacific Land List No. 2.

Copied in full in Record, pages 3455-3465.

IN TESTIMONY OF

William F. Von Duyn. Send up originals.

Defense Exhibit Junius Wright No. 1 was not filed.

Complainant's Exhibit John I. Wells No. 2.

JOHN I. WELLS: Residence, Centerville, Idaho; occupation, miner.

Sworn Statement No. 219, dated and filed Sept. 20, 1901, for entry of Northwest Quarter of Section 14, Tp. 7 North of Range 5 East, Boise Meridian.

Notice for Publication; witnesses for final proof, Frank Goldtrap, H. H. Wells, Arthur Anderson, and H. C. Granger.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of John I. Wells, at final proof, dated December 12th, 1901.

ANSWERS Given by John I. Wells to Questions 16, 17 and 18 on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, sir.

Answer to Ques. 17: Earned it and saved it from

my labor and locating, some of it 6 or 7 months, some not so long.

Answer to Ques. 18: No, sir. In Centerville, I kept my money in private safe, have had money recently with First Natl. Bank, at Boise, Idaho.

Testimony of witness, Homer C. Granger, on final proof.

Cross-examination of witness, Homer C. Granger, on final proof.

Testimony of witness, Arthur Anderson, on final proof.

Cross-examination of witness, Arthur Anderson, on final proof.

Certificate of Register and Receiver, in re postponement making date of final proof.

Affidavit of John I. Wells, in re postponement date of final proof.

Report of Register and Receiver in re entry of John I. Wells.

Receiver's Receipt No. 3025, dated June 22, 1904.

Final Certificate No. 3025, dated June 22, 1904.

Deed from John I. Wells, and wife, to the Barber Lumber Co., Oct. 8, 1906; consideration \$800.00; acknowledged before John J. Blake, Conveys land described in Exhibit John I. Wells, No. 2 Sworn Statement therein.

Complainant's Exhibit L. M. Pritchard No. 1.

LOUIS M. PRITCHARD: Residence, Boise, Idaho; occupation, lawyer.

Sworn Statement No. 330, dated and filed March 21st, 1902, for entry of Northwest Quarter of Sec-

tion 20, Tp. 6 North of Range 6 East, Boise Meridian.

Notice for Publication; witnesses for final proof, G. H. Ensworth, S. M. Blandford, A. R. Flanders, and Patrick H. Downs.

Affidavit of Publication.

Non-mineral Affidavit.

Testimony of Louis M. Pritchard, at final proof, dated June 11th, 1902.

ANSWERS Given by Louis M. Pritchard, to Questions 16, 17 and 18, on Cross-examination, at Final Proof.

Answer to Ques. 16: Yes, I do.

Answer to Ques. 17: Out of my business transactions; I have had a portion of it since filing sworn statement and balance at different times since.

Answer to Ques. 18: I have not until a few days ago. I gathered my money together and deposited at Boise, Idaho.

Testimony of witness, George H. Ensworth, on final proof.

Cross-examination of witness, George H. Ensworth, on final proof.

Testimony of witness, P. H. Downs, on final proof.

Cross-examination of witness, P. H. Downs, on final proof.

Receiver's Receipt No. 1841, dated June 13, 1902.

Final Certificate No. 1841, dated June 13, 1902.

Deed from Louis M. Pritchard to A. E. Palmer, dated March 19, 1903; consideration \$1,000.00; acknowledged before Benjamin H. McCrew, N. P., and filed for record Feb. 29, 1904, at the request of W.

E. Borah. Conveys land described in Exhibit Louis M. Pritchard, No. 1, Sworn Statement thereof.

Patent to Louis M. Pritchard, dated Jan. 28, 1904, for land described in Sworn Statement of Exhibit Louis M. Pritchard No. 1.

**Complainant's Exhibit Harvey H. Wells No. 1, 2
and 3.**

HARVEY H. WELLS: Residence, Centerville, Idaho; occupation miner.

Complainant's Exhibit Harvey H. Wells No. 1.
AFFIDAVIT OF HARVEY H. WELLS, IN RE
POSTPONEMENT DATE OF MAKING
FINAL PROOF.

"DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Boise, Idaho, December 10, 1901.

Harvey H. Wells, being first duly sworn, deposes and says that he is the identical Harvey H. Wells who made Timber and Stone Sworn Statement No. 224, at this office on September 24, 1901, for SW. $\frac{1}{4}$ Sec. 14, Tp. 7 N., R. 5 E., on which final proof was advertised to be made December 5, 1901; that he was unable to appear and offer proof on that day or on any of the subsequent days until this 10th day of December, 1901, for the reason that the money with which he expected to pay for this land was not at hand and could not be got in before today.

HARVEY H. WELLS,

Subscribed and sworn to before me this 10th day of December, 1901.

EDWARD E. GARRETT,

Receiver."

Complainant's Exhibit Harvey H. Wells No. 2.

Testimony of Harvey H. Wells, and answers to Questions 16, 17 and 18, on Final Proof, at Cross-examination.

Answer to Ques. 16: Yes, sir. I do.

Answer to Ques. 17: I obtained the money through my business; had a portion of it for about 5 months.

Answer to Ques. 18: No, there is no bank Center-ville, have kept a safe.

Complainant's Exhibit Harvey H. Wells No. 3.

Non-mineral Affidavit of Harvey H. Wells.

**Complainant's Exhibit A. B. Campbell Nos. 1 to 10,
Inclusive.**

Complainant's Exhibit A. B. Campbell No. 1.

Letter from Frank Steunenberg to A. B. Campbell.

(Copied in record at page 3350.)

Complainant's Exhibit A. B. Campbell No. 2.

Letter from Frank Steunenberg to Mace.

(Copied in record at page 3351.)

Complainant's Exhibit A. B. Campbell No. 3.

Letter from Frank Steunenberg to A. B. Campbell.

(Copied in record at page 3352.)

Complainant's Exhibit A. B. Campbell No. 4.

Letter from Frank Steunenberg to A. B. Campbell.

(Copied in record at page 3353.)

Complainant's Exhibit A. B. Campbell No. 5.

Letter from Frank Steunenberg to A. B. Campbell.

(Copied in record at page 3354.)

Complainant's Exhibit A. B. Campbell No. 6.

Letter from Frank Steunenberg to A. B. Campbell.

(Copied in record at page 3356.)

Complainant's Exhibit A. B. Campbell No. 7.

Letter from Frank Steunenberg to A. B. Campbell.

(Copied in record at page 3357.)

"FIRST NATIONAL BANK OF PAYETTE

Successor to

PAYETTE VALLEY BANK.

Payette, Idaho, Oct. 31, 1902.

Hon. A. B. Campbell,

Spokane, Washington.

My Dear Friend:—

Your valued letter with enclosures at hand yesterday. Any time you can made appointment with Senator Foster, I can come.

This feature of the timber deal is getting into bad shape. Sharp, the inspector, and the local land office people have worked so secretly and used so much deception, even with their friends, that I have not been able to learn the true situation, much less do any work. If not asking too much, wish you would ask Senator Foster to hold Sharpe off until I can meet the Senator.

You had better wire me at Caldwell, date of meeting.

Sincerely,

FRANK STEUNENBERG."

Complainant's Exhibit A. B. Campbell No. 8.

Letter from Frank Steunenberg to (A. B. Campbell) Mace.

(Copied in record at page 3358.)

Complainant's Exhibit A. B. Campbell No. 9.

Letter from Frank Steunenberg to Mace.

(Copied in record at page 3360.)

Complainant's Exhibit A. B. Campbell No. 10.

Letter from A. B. Campbell to Frank Steunenberg.

(Copied in record at page 3345.)

Plaintiff's Exhibit ———

CHAPMAN & RAND LETTERS.

(Copied in the record at pages 2477, et seq.)

Letter from L. G. Chapman, Manager, to H. S. Rand, dated May 22, 1905.

Letter from H. S. Rand to L. G. Chapman, dated June 17th, 1905.

Letter from L. G. Chapman to H. S. Rand, dated June 27th, 1905.

Letter from H. S. Rand to L. G. Chapman, dated July 8th, 1905.

Letter from L. G. Chapman, Manager, to Mr. Horace S. Rand, dated July 20th, 1905.

Complainant's Exhibit No. 1 Frank Martin.

Offered at page 2688, of record.

Check from Frank Martin to Frank Steunenberg, amount \$193.65. (Send up original.)

Plaintiff's Exhibit ———

Check July 6, 1904, from Frank Steunenberg, Agent, to Frank Martin, for \$100.00. Filed July 2, 1909, read into record at page 2706. (Send up original.)

Plaintiff's Exhibit ———

Offered at 3481 etc.

KINKAID AND FISHER CHECKS.

5 Checks Kinkaid, et al.

**CHECK FRANK STEUNENBERG, AGT., TO
FIRST NATIONAL BANK OF BOISE,
AMOUNT \$4,000.00.**

“Caldwell, Idaho, Feb. 13, 1903.

No. ———

The Commercial Bank,

Pay to the Order of First National Bk. (Boise)
\$4000.00 Four Thousand Dollars.

Acct. Kinkaid.

**FRANK STEUNENBERG,
Agt.”**

**CHECK FRANK STEUNENBERG, TO FIRST
NATIONAL BANK OF BOISE (PER-
SONAL) AMOUNT \$1200.00.**

“Caldwell, Idaho, Mar. 25, 1903.

No. ———

The Commercial Bank,

Pay to the Order of First Nat. Bk. (Boise)
\$1200.00 Twelve Hundred Dollars.

Acct. Kinkaid.

**FRANK STEUNENBERG,
Personal.”**

CHECK FROM FRANK STEUNENBERG, AGT.,
TO JOHN KINKAID, AMOUNT \$2155.00.

“Caldwell, Idaho, Feb. 7, 1902.

No. ———

The Commercial Bank,

Pay to the Order of John Kinkaid, \$2155.00,
Twenty-one Hundred and Fifty-five Dollars.

FRANK STEUNENBERG, Agt.”

Read into record and filed by Clerk but not offered
and marked as Exhibits. See pages 3841.

Complainant's Exhibit John I. Wells No. 1.

CHECK FOR \$20.00, MAY 15, 1902, TO JOHN I.
WELLS, DRAWN BY FRANK STEUNEN-
BERG.

“Caldwell, Idaho, May 15, 1902.

No. ———

The Commercial Bank,

Pay to the order of John I. Wells, \$20.00, Twenty
Dollars.

FRANK STEUNENBERG.”

*In the United States Circuit Court for the District
of Idaho.*

UNITED STATES OF AMERICA,

Complainant,

vs.

BARBER LUMBER COMPANY et al.,

Defendants.

Notice.

PLEASE TAKE NOTICE that the defendant, Barber Lumber Company, has filed a Motion in the above-entitled action, a copy of which Motion is hereto attached and herewith served upon you; and that said defendant will bring said Motion on for a hearing before the said Court at the opening of Court on the 12th day of July, 1909, or at soon thereafter as counsel can be heard.

YOU WILL PLEASE TAKE FURTHER NOTICE, that hereto attached and herewith served upon you is a classification of the entries made by the various entrymen and entrywomen named in the Bill of Complaint in the above-entitled action, as the defendants will contend on the trial of said action, and you are respectfully requested to serve upon the undersigned at, or before the argument of said cause, any corrections in such classification, which, in your opinion, should be made.

Dated June 30th, 1909.

C. T. BUNDY,

A. A. FRASER,

Solicitors for Defendants.

To the Hon. Peyton Gordon and Charles A. Keigwin,
Solicitors for Complainant.

*United States Circuit Court, for the District of
Idaho.*

UNITED STATES OF AMERICA,

Complainant,

vs.

BARBER LUMBER COMPANY et al.,

Defendants.

Motion to Strike Out Evidence.

Comes now the above-named defendant, Barber Lumber Company, and upon the record in the above-entitled action, and the objections heretofore taken, and moves the Court to strike out all of the following evidence offered on the part of the complainant and received by the various examiners before whom such evidence was taken against the objection of this defendant.

1. All the evidence offered by the plaintiff with reference to the manner in which the various entrymen and entrywomen called as witnesses procured his or her money with which to make final proof, together with all evidence relative to the proceedings had and taken by such entrymen before the land office at the time of making and submitting final proof; and all evidence of applicant, cross-examination of applicant, and testimony of witnesses taken before the land office at the time of making final proof; all of which evidence was received subject to the objection of the defendant, that same was incompetent, irrelevant, and immaterial. Pages 7-8, Record.

2. All evidence relating to entries made by entry-

men and entrywomen on lands not specified or mentioned in the bill of complaint herein; all of which evidence was received subject to the objection of the defendant; and the same is incompetent, irrelevant, and immaterial.

3. All evidence relating to filings made and final proof submitted by the various entrymen and entrywomen prior to April 10, 1902.

4. All evidence of witnesses, and all documents and records of the land office and the department of the interior offered and received as evidence relating to entries made by Arthur Anderson, Harvey Wells, James T. Ball, Abel E. Hunter, and Albert Nugent; and all such evidence and documents relating to appeals taken by Arthur Anderson, Jas. T. Ball, Harvey Wells, and Abel E. Hunter, from the decisions of the local land office holding the entries for cancellation; all of which evidence was received subject to the defendant's objection, that the same is incompetent, irrelevant, and immaterial.

5. All of the evidence of L. L. Sharp with reference to reports made by him to the Department at Washington, or relating to protests filed with the Department, for the reason, and upon the ground that the defendant demanded the production of such reports during the examination of said witness, Sharp; and demanded that said witness be produced for cross-examination with reference to such reports and protests, which demand was refused and the said Sharp was not recalled for cross-examination, and said reports and protests with reference to which he testified, were not produced by the Government,

although it affirmatively appears from certain of said witnesses, that such documents were filed with the Department of the complainant, at Washington. Pages 796-890.

6. All that portion of the evidence of Nelson Botcher, a witness called on behalf of the plaintiff, with reference to statements made to him by plaintiff's witness, Arthur Anderson, and others; for the reason that the said evidence was offered for the purpose of impeaching the plaintiff's witness, Arthur Anderson, and was otherwise incompetent, irrelevant, and immaterial, all of which was received subject to the defendant's objection. Page 2433, Rcd.

7. All that portion of the evidence of the witness, Ponchia, called by the complainant for the purpose of impeaching the plaintiff's witness, Arthur Anderson, with reference to his condition at the time of making a certain affidavit, which affidavit was offered by the complainant for the purpose of impeaching its said witness, Arthur Anderson, and all of which was received subject to the objections of the defendant. Page 2466, Rcd.

8. All evidence of witnesses Fred Brown, Robert McAfee, and M. F. Miholia, to the effect that certain of plaintiff's witnesses who testified to having a bank account in certain banks at certain times, had testified falsely on that subject, which evidence was offered by the plaintiff and received for the purpose of impeaching other witnesses called by the plaintiff, and was otherwise incompetent, irrelevant, and immaterial. Pages 2659-2665.

9. All evidence consisting of typewritten state-

ments purporting to be statements of various witnesses called by the plaintiff, made by such witnesses before a grand jury, and before Norman H. Ruick, United States District Attorney, and Mr. Johnson, Assistant United States District Attorney, at various times, out of Court, which evidence was offered by the complainant, and received against the defendant's objections for the purpose of impeaching witnesses called on the part of the complainant.

10. All that evidence of witness Junius Wright, called by plaintiff, shown page to page on Record, wherein said witness attempted to testify to a conversation had between him and John I. Wells, during January or February of 1905, for the reason that such evidence is incompetent, irrelevant, and immaterial, constituting an alleged admission by one of the alleged conspirators subsequent to the termination of the conspiracy charged in the complaint.

11. All the evidence of witness George P. Wheeler, called in behalf of the complainant, for the reason that the same is incompetent, irrelevant, and immaterial. Page 2165.

12. The evidence of witness Max Taylor, called on the part of the complainant, together with all extracts from the "Daily Statesman," a newspaper, offered in connection with the evidence, for the reason that the same was incompetent, irrelevant, and immaterial, and was received subject to such objection on the part of the defendant.

13. All opinions and decisions rendered by the local land office at Boise, the Commissioner of the General Land Office, and Secretary of the Interior,

in the matter of entries not specified or embraced in the complaint in the action.

14. The evidence of all witnesses called by the complainant, who are alleged in the bill of complaint to having made entries under the Timber and Stone Act, and who testified to have made such entries, for the reason and upon the ground that it affirmatively appears that all of such entries were made in strict compliance with the law; and that such evidence is incompetent, irrelevant, and immaterial, and does not tend to substantiate any allegation of the complainant.

15. The evidence of the following witnesses called by the plaintiff, with reference to the timber and stone entries made by them respectively, none of which are involved in this action, namely: Lola T. Thurman, Susan N. Arbuckle, Charles Arbuckle, John Keene, Arthur Anderson, Albert Nugent, William J. Wills, G. D. Hosler, Dora C. Burns, G. G. Gibson, H. T. James, Wm. R. Humphrey, Henry A. Snow, Mrs. Nettie Weston, Leon S. Simpson, Mrs. Mary J. Martin, Eleanor E. Phelps, and Frank Martin, together with the land office filed in the matter of timber and stone entries of the following named persons, namely: Harvey Wells, James T. Ball, Abel E. Hunter, Albert Nugent, Arthur Anderson, Roy Dye, Kate Hunter and John I. Wells, none of which files relate to lands specified or mentioned in the bill of complaint herein.

16. All letters written by the officials of the local land office, and all letters received by such officer from the Department at Washington relating to

timber and stone entries, not mentioned or described in the complaint herein.

17. All conversations between witness L. L. Sharp, the Special Agent of complainant, and witness E. E. Garrett, relative to timber and stone entries involved in this action, and all such conversations relative to timber and stone entries not involved in this action.

18. All conversations between plaintiff's witness L. L. Sharp, and plaintiff's witness E. C. Foster, and A. B. Campbell, and between said witnesses Foster and Campbell, it appearing that all such conversations were had without the presence of any of the defendants herein, and are therefore incompetent, irrelevant and immaterial.

19. All notations upon checks, or check stubs produced by complainant and which are stipulated to have been drawn and made by Frank Steunenberg, for the reason that such notations are not shown to have been made in the presence of, or with the knowledge and consent of this defendant, or of any of the defendants; and they are therefore incompetent, irrelevant, and immaterial.

20. All evidence offered on the part of the plaintiff to which objection was made at the time the same was offered, which objections are hereby renewed upon the hearing of this motion.

21. All files of the land office relating to each timber and stone entry described and mentioned in the complaint, except Receiver's Final Receipt, Register's Certificate, and Patent relating to each such entry; for the reason and upon the ground that each

of such filings show a compliance with the law in every respect, and are offered for the sole purpose of impeaching the witnesses who signed the same.

22. That portion of the evidence of William W. Abrams, with reference to a conversation had between him and Charles Ballentine, a neighbor, found at page three of the Record.

23. That portion of the evidence of William W. Abrams, with reference to borrowing money with which to make final proof, to which objection was made, and whereupon it was stipulated that such objection should appear to all similar questions. Page 7-8, Rd.

24. That portion of the evidence of plaintiff's witness, Lewis K. Burns, with reference to a conversation had between said witness and one Dean West, found on page 25, Record, and again at page 28, and again at page 32, Record.

25. That portion of the evidence of Dean West on page 60 of the Record, relating to a conversation between the said witness and one Samuel Dye.

26. That portion of the evidence of witness Dean West purporting to state a conversation between said witness and one Charley Nelson. Page 68, Record.

27. That portion of the evidence of plaintiff's witness Charles W. Ballentine, purporting to state a conversation between said witness and one John Nelson. Page 85-88, Record.

28. That portion of the evidence of said witness Ballentine with reference to what amount of money he expected to get for his claim. Page 94.

29. That portion of the evidence of witness Ed. Brisbin, called for the plaintiff, purporting to state a conversation with one Henry Rice. Page 138-9.

30. That portion of the evidence of Lewis Nibler, a witness, called by the plaintiff, in which he purports to testify to a conversation had between the said witness and one Mr. Link. Page 160-1.

31. That portion of the evidence of witness Samuel Greig, called by plaintiff, purporting to state a conversation between said witness and one Pierson, and one West. Page 206-8.

32. That portion of the evidence of witness Sarah Greig, called by plaintiff, purporting to state a conversation between said witness and her husband, Samuel Greig. Page 227-8.

33. That portion of the evidence of witness Clifton C. Blevin, called by the plaintiff, purporting to state a conversation between the said witness and one Rice. Page 236-7, Record.

34. That portion of the evidence of Mack Gillum, called by the plaintiff, purporting to state a conversation between the said witness and one William Pierson. Page 249, Record.

35. That portion of the evidence of witness John J. Keene, called by the plaintiff, purporting to state a conversation between the said witness and one Dean West, and one Dye. Page 360, Record.

36. That portion of the evidence of witness Benj. R. Allen, called by the plaintiff, purporting to be a conversation between said witness and one Thompson. Page 395-6.

37. That portion of the evidence of said witness

Allen, with reference to further conversation with one Humphrey. Page 401.

38. That portion of the evidence of witness Henry T. James, called by the plaintiff, purporting to give the conversation between said witness and one J. G. McDonald. Page 421, Record.

39. That portion of the evidence of Joseph M. Hollister, with reference to alleged statements made by him before the United States Attorney and his assistants in April, 1907. Page 435-7, Record.

40. That portion of the evidence of Margaret Pierson, witness called by the plaintiff, purporting to state a conversation between said witness and her husband, William Pierson. Page 444-5, Record.

41. That portion of the evidence of Willis C. Lane, called by the plaintiff, purporting to state a conversation between himself and brother. Page 455, Record.

42. That portion of the evidence of William Pierson, witness called by the plaintiff, purporting to state conversation between himself and one Dean West. Page 467-8, Record.

43. All statements purporting to have been made by said witness, William Pierson, before Mr. Johnson, Asst. U. S. District Atty., in March, 1907. Page 478-9.

44. That portion of the evidence of Geo. T. Ellis, called by the plaintiff, purporting to state a conversation between witness and one Joseph Belk. Page 523-4, Record.

45. That portion of the evidence of Walter L. Harrison, witness, called by the plaintiff, purporting

to state a conversation between himself and one Dean West. Page 561-2, Record.

46. That portion of the evidence of Lewis L. Folsom, purporting to give the conversation between the witness and one Jack Nelson. P. 734.

47. That portion of the evidence of L. L. Sharp, a witness called by the complainant, and an employee of the complainant, in answer to the question, "Now, what did you find from your investigation of these lands?" at page 798, Record.

48. That portion of the evidence of L. L. Sharp in answer to the following question: "Did you, from your investigation, find that he had any connection with them in these cases?" Page 799, Record. And all of the evidence of the said witness on these pages, all of which was objected to by the defendant.

49. That portion of the evidence of the said witness, Sharp, beginning at the eighth line from the bottom of page 800, and on down to, and including page 803 of the Record.

50. All that portion of the evidence of the witness, Sharp, purporting to state a conversation between said witness and Senator Foster, contained on page 805 and 806 of the Record, to which objection was made by the defendant.

51. All that portion of the evidence of the said witness, Sharp, with reference to a conversation between the said witness and one A. B. Campbell, on page 807, Record.

52. All that portion of the evidence of said witness Sharp, with reference to hearing on appeal in certain contested cases, found on page 810, Record.

53. All of that portion of the evidence of said witness Sharp, with reference to a conversation had with one W. E. Borah, found on pages 811 and 812, Record.

54. All that portion of the evidence of the said witness, Sharp, with reference to a protest filed by certain parties in the Boise Basin. Pages 812 and 813, Record.

55. The defendant renews the motion to strike out the evidence of Sharp, for the reasons found on page 814, Record; and which motion was renewed on pages 893 and 894, Record.

56. That portion of the evidence of the witness, John T. Morrison, called for plaintiff, with reference to an alleged conversation with one W. E. Borah. Pages 867-8, Record.

57. All that portion of the evidence of the said witness, John T. Morrison, with reference to a conversation between the said witness and one Calvin Cobb. Pages 871-2.

58. All that portion of the evidence of witness Gustav A. Link, called by the plaintiff, with reference to a conversation between the said witness and one Dean West. Pages 895-6, Record.

59. All that portion of the evidence of witness, Mary Link, called by the plaintiff, with reference to a conversation between the said witness and her husband. Pages 911-2, Record.

60. All that portion of the evidence of witness Delilah Bayhouse, called by the plaintiff, in which her attention was called to certain questions asked her, and certain answers made by her at the time of

making final proof pursuant to the rules and regulations of the Department, to which evidence objections were made by the defendant. Page 972.

61. All of that portion of the evidence of witness Walter Joplin, called by the plaintiff, in answer to the following question: "Do you remember how much of it you accumulated in the year you made your final proof?" and all that portion of the evidence of the said witness in answer to the questions propounded at the land office at the time of making final proof pursuant to the rules and regulations of the Department. Pages 994-5, Record.

62. All that portion of the evidence of witness Ery A. Wilmot, a witness called by the plaintiff, purporting to state a conversation between the said witness and one Dean West. Pages 1009-10.

63. All the evidence of the witness, Ery A. Wilmot, with reference to the proceedings taken before the land office in the matter of his entry, for the reason that the records of the said land office are the best evidence, and were not produced, which motion was made by the defendant before the Examiner. Page 1037, Record.

64. All that portion of the evidence of the said witness, Ery A. Wilmot, found on pages 1018, 1910, 1020, and 1021, with reference to an alleged statement made by the said witness to United States Attorney Ruick, March, 1907.

65. All that portion of the evidence of the said witness, Ery A. Wilmot, with reference to a conversation between the said witness, and one Allen. Pages 1022-23.

66. That portion of the evidence of said witness, Ery A. Wilmot, with reference to certain statements alleged to have been made by him to the U. S. District Attorney in March, 1907, found on pages 1023, 1024, 1025, and 1026, Record.

67. All that portion of the evidence of John E. Hobbs, a witness called by the plaintiff, purporting to state the conversation between the said witness and one Harrington. Pages 1069 and 1070.

68. All that portion of the evidence of witness James F. Belk, called by the plaintiff, with reference to his answers to questions asked him when cross-examined under the rules and regulations of the land department at the time of making final proof. Pages 1121-3.

69. That portion of the evidence of witness Joseph Sullivan, with reference to his answers before the land office on cross-examination under the rules and regulations of the land department. 1136.

70. All that portion of the evidence of witness Sedwick Hoover, called by the plaintiff, purporting to state a conversation between said witness and one Dean West. Pages 1242-3, Record.

71. All of that portion of the evidence of said witness Sedwick Hoover, in answer to the following question: "I will ask you if this didn't all turn out just exactly as you had expected it to from the first time Dean West had spoken to you, with the exception of the fact that you didn't get as much as they promised you?" 1258.

72. All that portion of the evidence of Sedwick Hoover relative to the contents of an affidavit pur-

porting to have been made by the said witness and signed before one W. S. Wade, found pages 1260, 1261, 1262, and 1263, Record.

73. That certain affidavit purporting to have been made by the witness, Sedwick Hoover, and offered and received as Plaintiff's Exhibit #91A. Page 1265.

74. All that portion of the evidence of the witness Norman H. Young, called by the plaintiff, with reference to a typewritten statement purporting to be an interview between the said witness and District Attorney Ruick, April, 1907. Pages 1347, 1348, 1349, 1350.

75. All that portion of the evidence of Norman H. Young, with reference to said typewritten statement April, 1907, found pages 1363, 1364, Record.

76. That portion of the evidence of witness Samuel Vance, called by the plaintiff, in answer to the following question: "How near to it did you come?" Top page 1470, Record.

77. That portion of the evidence of Geo. W. Butler, relating to an alleged statement made by the witness to U. S. Attorney Ruick, in March, 1907, found pages 1547, 1548, and 1549, Record.

78. All that portion of the evidence of the witness A. F. Joplin called by the plaintiff, with reference to an alleged interview had between the said witness and Norman H. Ruick, United States Attorney, March 28, 1907, found on pages 1590 to 1597, Record.

79. That portion of the evidence of the said witness A. F. Joplin, with reference to a certain alleged

interview with U. S. Atty. Ruick, found pages 1601, 1602, 1603, and 1604, Record.

80. That portion of the evidence of witness A. F. Joplin, with reference to a certain alleged interview with U. S. Atty. Ruick, found pages 1608, 1609, 1610, 1612, 1613, and 1614, Record.

81. That portion of the evidence of the witness Mrs. Lelia Butler, formerly Mrs. Lelia Lee, relative to an alleged interview between the said witness and Mrs. Dora K. Burns. Page 1624.

82. All the evidence of Wm. J. Wills found on pages 1715 to 19, of Record; and particularly that part of the evidence of said Wills purporting to state a conversation between the said witness and one Henry Rice. Pages 1715 and 1716.

83. All that portion of the evidence of witness R. J. Harbaugh, a witness called by the plaintiff, purporting to give a conversation between the said witness and one Alexander Ellis. Page 1833.

84. That portion of the evidence of witness Harbaugh, with reference to an alleged interview had with the U. S. District Atty., found pages 1848 and 1849, Record.

85. That portion of the evidence of Wheeler H. Martin, a witness called by the plaintiff, with reference to supplementary cross-examination, and affidavit dated December 19, 1903, found on pages 1898-9, Record; and which defendant moved to strike out at page 1900, Record.

86. That portion of the evidence of Wheeler H. Martin, with reference to an alleged interview between the said witness and U. S. Atty. Ruick, Special

Agent Wade, and Mr. Garrett, Receiver of the land office, found page 1901, Record.

87. That portion of the evidence of witness Harry L. Clyne, called by the complainant, purporting to state a conversation between the said witness and one John Nelson, page 2103.

88. That portion of the evidence of the witness Arthur Anderson, called by the plaintiff, with reference to a timber and stone entry made by the said witness covering lands not involved in this action. Page 2106.

89. All of the evidence of Geo. P. Wheeler contained on pages 2163 to 2173, inclusive.

90. That portion of the evidence of said witness, Arthur Anderson, with reference to an affidavit, and the affidavit referred to in such evidence. Pages 2196-7.

91. The defendant moves to strike out all the evidence of Arthur Anderson, for the reason that it appears that the said witness never acquired title to any government land under the timber and stone act. Page 2227.

92. That portion of the evidence of witness Albert Nugent, called by the plaintiff, with reference to a conversation had with, and an affidavit given to one L. L. Sharp. Pages 2249-50, Record.

93. All that part of the evidence of G. D. Hosley, a witness called by the plaintiff, with reference to his evidence in the trial of United States vs. W. E. Borah, to which witness' attention was called, nominally for the purpose of refreshing his recollection. Pages 2330-34.

94. All that portion of the evidence of said witness G. D. Hosley, with reference to an alleged statement made by him to the U. S. District Atty. E. E. Garrett, and others before a meeting of the Grand Jury, found pages 2334-39.

95. All that portion of the evidence of said witness, Hosley, with reference to his testimony in the Borah trial, found pages 2362-64, Record.

96. All that portion of the evidence of witness, Matthias Zapp, consisting of an alleged affidavit made by Mr. Zapp. Pages 2376-7.

97. That portion of the evidence of M. A. Zapp, consisting of an affidavit made by him and found on page 2378, Record, for the reason therein stated.

98. That portion of the evidence of M. A. Zapp, called by the plaintiff, constituting Plaintiff's Exhibit #142A, consisting of list of lands on which taxes were paid by the Barber Lumber Company in 1903, by Chas. F. Koelsch. Page 2381.

99. The conversation between Ballentine and Wells, found on pages 91 and 92 of Record.

100. All those certain letters written by one William Sweet to Harry S. Worthman; identified at page 279; and offered and received in evidence as Plaintiff's Exhibits #23A-1 to 23A-16. Page 280.

101. All that portion of the evidence of witness Harry S. Worthman relative to the contents of a written escrow contract. Page 288.

102. That portion of the evidence of witness Harry S. Worthman, called by the plaintiff, with reference to a copy of contract offered and received in evidence as Plaintiff's Exhibit #23B-2, for the

reasons there stated. Pages 304 and 305.

103. That portion of the evidence of witness Irving W. Hart, relative to an alleged typewritten statement made to a representative of the District Attorney's office in March, 1907. Pages 1411-12.

104. That portion of the evidence of witness Samuel Vance, in answer to the following question: "Did you or Mr. Hobbs go with Mr. Downs to where Mr. Hobb's claim was, that day?" Bot. P. 1467; and the next succeeding question. Page 1470.

105. The evidence of witness, A. L. Richardson, with reference to the certificate of naturalization of Mrs. Margaret Scully, for the reason found at page 2147.

106. That portion of the evidence of witness, Nelson Bottcher, purporting to give a conversation with plaintiff's witness, Arthur Anderson. Pages 2433, and 2434.

107. That portion of the evidence of witness, Nelson Bottcher, purporting to state a conversation with witness Anderson, found page 2439.

108. That portion of the evidence of witness, C. R. Poncia, purporting to state a conversation between the said witness and plaintiff's witness, Arthur Anderson. Pages 2467, 2468, and 2469.

109. That portion of the evidence of witness, C. R. Poncia, with reference to a letter signed by the said witness, and in answer to the question "Did you get this information from Mr. Anderson?" Page 2471, and similar evidence, page 2472.

110. That portion of the evidence of the said Poncia in answer to the following question: "Mr.

Poncia, were the statements that you made in this letter true and correct, as you understood at that time?" Page 2472.

111. All ledger entries, checks, and stubs of Frank Steunenberg personally and as agent, referred to in stipulation at page 2411.

112. The petition of witness Chapman, and the writ of habeas corpus in the matter entitled "In Re Chapman" heretofore pending in the District Court of Idaho, page 2484. Also, the order of Judge Gilbert, ordering the release of Mr. Chapman upon the hearing of said petition. Page 2485.

113. The subpoena issued in the case of the United States vs. Wm. E. Borah, to said witness, L. G. Chapman. Page 2486.

114. That portion of the evidence of witness E. E. Garrett, in answer to the question "At that hearing why did you hold those entries for cancellation?" Page 2516.

115. All that portion of the evidence of witness E. E. Garrett purporting to state a conversation between the said witness and one E. J. Dockery. Page 2549.

116. That portion of the evidence of said witness, Garrett, purporting to state a conversation between the said witness and one Parsons. Page 2550.

117. Notice of Appeal and Brief referred to in the evidence of E. E. Garrett, and received as Plaintiff's Exhibit 146B, and 146C, in the matter of appeal taken by Arthur Anderson. 2554-5

118. All that portion of the evidence of witness Garrett purporting to state a conversation between

the said witness, and plaintiff's witness, G. D. Hosley, with reference to Plat Book offered in evidence. Page 2556. Also, all similar evidence, pages 2557 and 2558.

119. All that portion of the evidence of witness E. E. Garrett purporting to state a conversation between the said witness and one Wm. E. Borah. Page 2558.

120. All that portion of the evidence of witness E. E. Garrett in answer to the question "Now were any of the final proofs that were held up by you, proofs of entrymen whose claims afterwards were deeded to the Barber Lumber Company?" Page 2591.

121. All evidence consisting of letters written by Wm. Sweet to J. H. Richards, found pages 2647 to 2655, inclusive.

122. That portion of the evidence consisting of a letter written from New York by Wm. Sweet, to Frank Steunenberg, and dated March 25th, 1902. Page 2656.

123. That portion of the evidence of Plaintiff consisting of letters found on pages 2732, 2733, 2734, 2735, and 2736, being letters containing decisions in the cases of Allen, Ball, Wells, and Hunter.

124. Plaintiff's Exhibits 154A, and 154Y, page 2738, consisting of entry papers of Anderson, Wells, Ball, Hunter and Nugent.

125. That portion of the evidence of witness E. E. Garrett, relative to the attitude of Sharp after his visit to Spokane, in answer to the following questions: "Do you know whether or not his attitude

towards these claims was any different after he returned from that visit to what it was before he made the visit?" 2751.

126. All the evidence of witness Max Taylor, called for Plaintiff, with reference to certain newspaper items, and items referred to and set forth by witness, found pages 2764 to 2771.

127. All land office files involving timber and stone entries of John Christenson, Roy Dye, and other parties named in the objections made by defendants. Page 2786; and all of the papers marked respectively "Plaintiff's Exhibit 163 to Plaintiff's Exhibit 232, inclusive; and found on pages 2787 to 2791, inclusive; for the reasons stated at page 2787.

128. Plaintiff's Exhibit 233 to 298, inclusive, found pages 2792 to 2796, consisting of Non-alienation Affidavits filed in the land office by the entrymen named.

129. Plaintiff's Exhibit 299, found page 2799, consisting of a statement of the witnesses for whom subpoenas were issued on behalf of the complainant, and who were not found.

130. Plaintiff's Exhibit 301, being deed from John Kinkaid, to A. E. Palmer, found page 2806.

131. Plaintiff's Exhibits 304, 305, 307, and 308, being deeds to Defendants of lands not involved in this action. Pages 2808-9.

132. Evidence consisting of land office files and other evidence relating to the entry of Frank Martin, for the reasons stated. Page 2813.

133. Plaintiff's Exhibit 309M, being relinquishment of James T. Ball. Page 2880.

134. Plaintiff's Exhibit 310A, to 310M, inclusive, being land office files relative to timber and stone entries of Ella L. Martin. Page 2820.

135. All the evidence relating to homestead entries of Pat H. Downs, and Henry A. Snow. Pages 2835-2836.

136. Four letters written by the Commissioner of the General Land Office to the Register and Receiver at Boise. Pages 2837 to 2841, inclusive.

137. The evidence of E. E. Garrett with reference to a letter dated June 8, 1903, written by H. N. Coffin to Harry S. Worthman, together with said letter. Pages 2859 and 2860.

138. All the evidence of E. E. Garrett purporting to state a conversation between the said witness and one George M. Parsons. Page 2861.

139. Plaintiff's Exhibit #311, being the decision of the Register and Receiver in the contest case of United States vs. Arthur Anderson. Page 2862.

140. Plaintiff's Exhibits 312A and 312D, being land office files in the entry of James T. Ball. Page 2863.

141. Plaintiff's Exhibits 312E to 312K, being additional papers found in the files in the entry of James T. Ball.

142. Plaintiff's Exhibits 313A to 313K, being papers found in the files of the land office relating to timber and stone entries of Harvey H. Wells. Pages 2865 and 2866.

143. Plaintiff's Exhibits 316C to 316L, inclusive, being land office files in the matter of timber and stone entries of Ida M. Briggs. Page 2868.

144. Plaintiff's Exhibits 318A to 318H. Page 2869.

145. Plaintiff's Exhibits 319A to 319K. Page 2870.

146. Plaintiff's Exhibits 320A to 320B, being cross-examination of witness, Adella E. Brookheart, taken in the land office. Page 2887.

147. Plaintiff's Exhibits 322A to 322I. Page 2889.

148. Plaintiff's Exhibits 325A to 325B, and 325C, consisting of letters written by E. E. Garrett, Register of the local land office, to the Commissioner of the General Land Office at Washington, relative to timber and stone entries of Arthur Anderson, James T. Ball and Abel E. Hunter. Page 2892.

150. All the evidence of witness A. E. Brookheart, called by the plaintiff, relative to what other people told him they had received for their land. Page 2921.

151. All the evidence of witness Wm. H. Humphrey, relative to timber and stone entries made by him, for the reasons stated on page 3019.

152. All the evidence of witness Junius Wright relative to an alleged conversation had in 1905, between the said witness and John I. Wells. Pages 3083 and 3087.

153. All that portion of the evidence of witness Junius Wright relative to an alleged conversation between the said witness and Governor Steunenberg, beginning at the bottom of page 3087 and continuing to page 3091.

154. That portion of the evidence of witness

Junius Wright relative to an alleged conversation with John I. Wells. 3092.

155. That portion of the evidence of witness M. S. Stephenson, called by the plaintiff, in answer to the following question: "Were they folded to keep you from seeing what was on the papers?" Page 3189.

156. That portion of the evidence of said witness, Stephenson, in answer to the following question: "And you got just exactly what the understanding was when Wells first called upon you, did you not?" 3192.

157. That portion of the evidence of Dora K. Burns, called by the plaintiff, purporting to state a conversation between the said witness and one Dean West, found page 3270.

158. That portion of the evidence of witness Dora K. Burns, in answer to the following question: "Now, what were you to do with this land that you located on, to make your \$240.00?" Page 3272.

159. All the evidence of witness Dora K. Burns, for the reason that the entry made by the said witness is not involved in this action; and, for the further reason that the Complainant refused and neglected to procure the filing and entry papers of the said witness, on demand of the defendant. Page 3310.

160. That portion of the evidence of witness Aaron Ownbey, called by the plaintiff, purporting to state a conversation between the said witness and one Wm. Gibbard. Page 3319.

161. The answer of witness Margaret Pierson to

the following question: "How long had you been in this country when you took up a timber and stone claim?" Page 444.

162. All the evidence of the witness Henry A. Snow purporting to state conversations between said witness and one Patrick Downs, to which defendant objected as incompetent, irrelevant, and immaterial, and hearsay. 3414, 3415, 3416, 3418, 3419, 3421, each of which objections is hereby renewed.

Dated June 30th, 1909.

C. T. BUNDY,
A. A. FRASER,
Solicitors for the Defendants.

Classification of Entries Mentioned in Bill of Complaint.

Class A.

Basin	Page 1	30	
Crooked River	2	62	
6-4	3	18	110.

Class B,	4		19
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Class C,			
Basin	6	3	
Crooked River	6	4	
6-4	6	2	9

Class D	6		2'
Class E	7		64
Class F	9		6

Total Entries Involved.. 210

CLASS "A."

It appears from the undisputed evidence that the following named entrymen and entrywomen named in the bill of complaint, filed upon lands under the Timber and Stone Act under the date set opposite their respective names; that final proof was offered on the date shown, and approved, and final receipt issued at the date indicated, and that they respectively deeded on the date shown by the appropriate column. In every case the entryman paid his own location, preliminary, and filing expense, and paid the Government for the land without borrowing any portion of the funds necessary, or otherwise procuring the same, from any of the defendants or alleged conspirators. Each testifies emphatically that at no time was he or she a party to any agreement express, and implied, whereby any person, firm, or corporation had any interest in, or lien upon the land embraced in his or her entry, or upon the timber situate thereon, and that the allegations of the complaint, so far as his or her respective entry is concerned, are false.

BASIN ENTRIES.

Name.	Page.	Date of Fil'g.	Date of F. Prf.	Date of F. Recept.	Date of Deed.	Remarks.
Baker, J. O.....	329	12/24/01	3/20/02	7/22/02	7/ 7/04	
Butler, Edw. E...	1296	3/28/02		6/24/02	6/19/03	
Downs, P. H....	3509	8/17/01	11/13/01	7/26/02	8/27/04	Papers only in Evi- dence.
Ewing, Clara B...	1657	8/11/02		11/ 7/02	6/29/03	
Ewing, A. B....	2978	8/11/02		11/ 7/02	6/29/03	
Eagleson, M. Leta.	2147	1/ 2/04		3/17/04	5/23/04	
Folsom, Lewis L.	732	10/30/01	1/22/02	7/25/02	6/23/03	
Gillum, Mack....	248	12/26/01	3/18/02	7/29/02	7/31/02	
Gary, John R....	1367	12/19/01	3/ 7/02	7/18/02	3/20/02	
Humphrey, Henry.	3068	4/29/02		7/17/02	11/12/03	
Harrison, W. L...	560	11/26/01	2/12/02	9/ 5/02	9/12/02	
Hollister, J. M...	431	10/26/01	1/20/02	7/25/02	6/23/03	
Hollister, Leonora.	451	10/26/01	1/21/02	7/25/02	6/23/03	
Lane, Willis C...	454	3/25/02		6/18/02	4/20/03	
Lane, Frank.....	3249	4/ 4/02		7/ 7/02	3/14/03	
McDonald, J. D...	719	5/ 4/02		8/ 7/02	8/ 9/02	
Monroe, John C..	1399	12/31/01	3/31/02	7/29/02	6/ 2/03	Papers only
Monroe, Mary A.	1388	1/ 7/02	4/ 7/02	8/ 1/02	6/ 2/03	
Pritchard, L. M.	3685	3/21/02		6/13/02	3/19/03	
Patterson, Chas..	764	3/28/02		6/24/02	3/27/03	
Snow, W. F.....	3439	9/10/01	11/30/01	10/14/02	10/20/02	
Thurman, Fred'ek	513	3/26/02		6/19/02	5/ 7/02	Papers only.
Thompson, Jennie E.	1317	8/12/02		11/11/02	3/23/03	
Walker, W. S....	1645	4/ 5/02		6/20/02	3/16/03	
Worthman, H. S..	268	4/ 5/02		6/19/02	3/16/03	
Young, Norman H.	1328	1/22/02	4/14/02	7/16/02	11/10/04	
Martin, Bertha..	1452	1/25/05		4/13/05	5/ 1/05	
O'Farrell, Evelyn.	1674	11/27/01	2/26/02	8/ 1/02	8/ 1/05	
Phelps, E. J..	756	3/ 6/05		5/13/05	7/28/05	
Thornton, Dennis.	1128	1/27/06		4/ 5/06	5/ 7/06	

Name.	Page.	Date of Fil'g.	Date of F. Prf.	Date of F. Recept.	Date of Deed.	Remarks.
CROOKED RIVER ENTRIES.						
Austin, W. C.....	3143	7/10/03		10/13/03	11/ 6/03	
Austin, Ada.....	3155	7/10/03		10/13/03	11/ 6/03	Did not testify
Alexander, Caro-						
line	680	10/ 7/02		2/12/03	2/16/03	
Anderson, Eloff..	343	8/29/02		12/ 8/02	2/11/03	
Anderson, Emma.	354	8/29/02		12/ 8/02	2/11/03	
Bayhouse, Frank..	703	9/24/02		2/ 5/03	2/17/03	
Beckley, C. R....	2997	10/ 3/02		2/12/03	2/13/03	
Beckley, Mantie...	2988	10/ 3/02		2/12/03	2/13/03	
Bayhouse, Geo...	685	9/24/02		3/13/03	3/24/03	
Belk, J. E.....	1115	9/26/02		3/17/03	3/24/03	
Butler, Louisa E.	1486	9/15/02		1/ 8/03	2/12/03	
Bliven, C. C.....	236	9/16/02		4/29/03	4/30/03	
Butler, Elvie M..	1477	9/15/02		1/ 8/03	2/12/03	
Bilderback, Emma						
G.	634	7/24/02		1/28/03	2/12/03	
Bayhouse, Alfred.	814	9/15/02		1/19/03	2/12/03	
Bayhouse, Henry.	919	9/15/02		1/ 9/03	2/12/03	
Butler, G. W....	1527	9/23/02		5/ 4/03	5/16/03	
Bayhouse, Delilah.	965	9/24/02		1/28/03	2/12/03	
Cooper, Jeanette B.	1045	10/17/02		2/18/03	2/29/03	
Ellis, Geo. T....	522	9/19/02		1/22/03	2/13/03	
Eagleson, D. C..	1434	9/19/02		1/21/03	2/16/03	
Eagleson, Harry K.	775	9/19/02		1/29/03	2/16/03	
Eagleson, Helen E.	826	10/ 7/02		2/12/03	2/16/03	
Eagleson, C. H..	1420	9/19/02		1/29/03	2/16/03	
Fordney, Alice...	1497	9/15/02		1/ 8/03	2/12/03	
Now Alice Gregory.						
Gardner, Elma E.	1692	10/ 3/02		3/19/03	3/28/03	
Gibbard, W. H..	309	8/29/02		12/ 3/02	2/12/03	
Gibbard, Addie G.	321	9/ 8/02		12/23/02	2/12/03	
Hanson, Andrew.	1213	9/16/02		1/15/03	2/12/03	
Hart, Fannie R..	1417	9/ 9/02		12/22/02	3/12/03	
Hart, I. W.....	1401	9/ 9/02		12/22/02	3/12/03	

Name.	Page.	Date of Fil'g.	Date of F. Prf.	Date of F. Recept.	Date of Deed.	Remarks.
Joplin, Walter...	987	9/23/02		5/ 4/03	5/14/03	
Joplin, Sonora...	976	10/ 2/02		3/19/03	3/25/03	
Joplin, Andrew F.	1559	10/ 2/02	3/19/03	3/19/03	3/25/03	
Kampner, A. R...	1059	10/17/02	2/18/03	2/18/03	2/20/03	
Kingsley, C. S...	492	9/11/02		12/22/02	3/12/03	
Kingsley, Caro F. B.	505	9/11/02		12/22/02	3/12/03	
Martin, Henrietta	1155	9/29/02		3/18/03	3/24/03	
Martin, W. H...	1142	9/29/02		3/18/03	3/24/03	
Neil, John M...	201	9/15/02		12/17/02	2/11/03	
Neil, Maud P...	202	9/15/02		12/17/02	2/11/03	Papers only
Nusbaum J. V...	654	9/19/02		1/21/03	2/16/03	Papers only
Nusbaum, Pearl I.	645	10/ 7/02		2/14/03	2/16/03	
Ownbey, Mary E...	955	8/30/02		12/11/02	2/ 9/03	
Ownbey, Aaron...	3318	9/ 6/02		12/18/02	1/27/03	
Ownbey, Jackson..	938	8/30/02		12/11/02	2/ 9/03	
Barker, B. T....	1726	9/ 4/02		12/17/02	2/11/03	
Sensenig, E. S...	539	9/19/02		1/21/03	2/16/03	
Sensenig, Lucretia.	552	9/30/02		2/13/03	2/16/03	
Schmelzel, Eliza'h.	604	10/ 3/02		2/16/03	2/25/03	
Stahl, Arietta...	619	9/29/02		3/17/03	3/25/03	
Stahl, B. E....	626	9/29/02		3/17/03	3/25/03	
Sullivan, Helen...	1194	2/12/03		5/ 7/03	5/14/03	Papers only
Sullivan Joseph...	1177	2/12/03		5/ 7/03	5/14/03	
Starn, E. H....	588	9/ 6/02		12/18/02	2/18/03	
Starn, Mary.....	615	9/ 6/02		12/18/02	2/18/03	
Twogood, M. L...	1740	9/13/02		1/14/03	2/12/03	
Twogood, Ida...	1779	9/15/02		1/16/03	2/12/03	
Vance, S. E....	1466	8/10/03		11/10/03	12/16/03	
Weasel, F. P....	999	4/22/03		7/13/03	7/31/03	
Youngkin, J. A...	662	8/29/02		12/ 3/02	2/12/03	
Youngkin, Susie...	748	9/ 8/02		3/24/03	3/28/03	

NOTE.—Each of the entrymen and entrywomen in Class A testified personally to the facts above stated, except the following: Maud P. Neal, Frederick Thurman, J. V. Nusbaum, Helen Sullivan, John C. Monroe, and Ada V. Austin. The land office file of the entries of each of these persons was offered and received in evidence in connection with the evidence of their respective husbands or wives who testified at the page indicated, to the other facts stated, showing each of them to belong to this class.

Name.	Page.	Date of Fil'g.	Date of F. Prf.	Date of F. Recept.	Date of Deed.	Remarks.
6-4 Entries.						
Davidson, W. B.	1786	9/14/03		12/ 3/03	12/30/03	
Ehrmanntraut, Jos.	3389	9/14/03		12/15/03	12/24/03	
Ehrmanntraut, Mar't	3380	9/14/03		12/15/03	12/24/03	
Eagleson, Geo. C.	1962	9/14/03		12/11/03	12/16/03	
Eagleson, Mary J.	1976	9/14/03		12/11/03	12/16/03	
Faraday, C. D.	1864	9/14/03		12/17/03	2/13/04	
Kinerd, L. F.	1798	9/14/03		12/23/03	3/ 3/04	
Martin, T. L.	2089	9/14/03		12/11/03	1/ 2/04	
Martin, Frank R.	2076	9/14/03		12/15/03	12/23/03	
Martin, Wheeler H.	1879	9/14/03		12/11/03	8/19/04	
Noble, H. B.	2954	9/14/03		12/24/03	2/ 4/04	
Penrod, Jos.	2039	9/14/03		12/17/03	3/28/04	
Ross, W. A.	1909	9/14/03		12/23/03	12/28/03	
Ross, Josie M.	1949	9/14/03		12/23/03	12/28/03	
Reeves, Wilburt R.	2051	9/14/03		12/17/03	2/29/04	
Snow, Cleora M.	2064	9/14/03		12/24/03	1/15/04	
Now Mrs. Wickersham						
Scully, Margaret.	2129	9/14/03		12/10/03	2/ 1/04	
Woodburn, Jno. K.	1755	9/14/03		12/ 2/03	10/24/04	

CLASS "B."

The following entries made by the following persons were all in the tract known as "The Boise Basin." Each of the entrymen and entrywomen testified to having paid his or her own funds for all preliminary expenses including location fees paid to Wells & Downs, filing fees in land office, and cost of publication. Each one made final proof prior to April 10th, 1902, and each one borrowed some, or all of the funds used for that purpose, from John I. Wells. Each one testified that, at the time of making his or her original filing he had not entered into any agreement of any kind—express or implied, by

which any person, firm or corporation, had acquired any interest in, or lien upon the land embraced in his entry; and each one testified that at the time of receiving the money from Mr. Wells, he entered into no agreement for the sale of his land and had no conversation with anyone with reference to selling the same until final proof was allowed and final receipt issued. In each case final proof was taken and held up in the local land office for a considerable period of time, the local office reporting favorably on each entry at the time final proof was offered, and took from each a non-alienation affidavit before issuing final receipt and certificate. Each testified that his or her sworn statement filed at the time of applying to purchase, was true; and each testified that the allegations of the complaint are false so far as his or her entry is concerned.

Name.	Page.	Date of Fil'g.	Date of F. Prf.	Date of F. Recept.	Date of Deed.	Remarks.
Abrams, William.	2	10/30/01	1/22/02	7/15/02	7/16/02	
Ballentine, C. W....	85	10/29/01	1/22/02	7/16/03	8/31/03	
Burns, L. K.....	24	11/26/01	2/14/02	6/24/02	9/18/02	
Brockhart, A. E.	2906	1/14/02	4/ 8/02	8/26/02	9/15/03	
Clyne, H. L.....	2102	10/31/01	1/24/02	8/19/02	7/18/03	
Gillum, Alfred ..	248	12/26/01	3/27/02	7/18/02	7/31/02	See Mack G.
Granger, Homer C.	1158	9/20/01	12/12/01	7/15/02	7/28/03	
Greig, Samuel....	206	12/ 7/01	2/21/02	7/ 1/02	5/24/03	
Greig, Sarah.....	227	12/ 7/01	2/21/02	7/ 1/02	5/24/03	
Link, G. A.....	895	11/ 1/01	1/29/02	7/22/02	6/19/03	
Link, Mary.....	911	11/ 1/01	1/29/02	8/19/02	6/19/03	
Lee, Lelia.....	1623	12/19/01	3/ 6/02	7/18/02	3/26/03	Now Mrs. Butler.
Nibler, Lewis....	159	11/ 1/01	1/28/02	8/ 6/02	8/ 7/02	
Pierson, Margaret.	407	12/ 7/01	2/21/02	6/19/02	3/23/03	
Pierson, Wm....	466	11/26/01	2/13/02	6/23/02	3/23/03	
Stephenson, Lettie L.	3159	12/24/01	3/13/02	7/18/02	9/15/03	
Stephenson, M. L.	3182	12/24/01	3/14/02	7/18/02	9/15/03	
West, Dean.....	60	10/26/01	1/16/02	7/ 9/02	3/16/03	
West, Louisa....	78	11/ 1/01	1/29/02	7/18/02	3/16/03	

CLASS "C."

The following named entrymen and entrywomen borrowed some, or all of the money used by them in making final proof; which final proofs were made subsequent to April 10th, 1902. Some of the money was borrowed from John I. Wells, and some from John Kinkaid, and in one case a witness said from L. M. Pritchard. This list constitutes all of the entries in which final proof was made subsequent to April 10th, 1902, by means of money borrowed from any of the defendants or alleged conspirators. Each entryman testified to the effect that his sworn statement filed at the time of making application, was true; and that neither at that time nor at the time of making final proof had he entered into any agreement, express or implied, with any person, by which any person, firm or corporation acquired any interest in, or lien upon the land he was applying to purchase, or the timber thereon. Each testified that the allegations of the complaint are false so far as his entry is concerned.

BASIN ENTRIES.

Name.	Page.	Date of Fil'g.	Date of F. Prf.	Date of F. Recept.	Date of Deed.	Remarks.
Brisbin, Edw... .	138	4/18/02		7/ 9/02	7/12/02	
Hoover, Sedwick.	1241	3/25/02		6/18/02	7/14/02	
Wilnot, Ery....	1008	3/22/02		6/12/02	6/24/03	

CROOKED RIVER.

Hobbs, John E...	1068	8/10/03		11/10/03	12/17/03	
Thompson, Mary.	1196	9/16/02		1/23/03	2/11/03	
McDonald, Frank R.	1702	9/16/02		4/28/03	5/ 4/03	
Lockhart, E. A...	1512	7/24/03		10/16/03	11/ 5/03	

6-4 ENTRIES.

Ellis, A. T.....	2019	9/14/03		12/11/03	1/ 4/04	
Harbaugh, R. J...	1815	9/14/03		2/ 7/03	1/ 6/04	

CLASS "D."

The following entries were made under arrangement between the entrymen and one Wm. H. Humphrey, by which Humphrey agreed to furnish the necessary funds with which to procure title, after which the land was to be sold and the profits divided between the entrymen and Humphrey. The entryman, Thompson, did not testify, but his entry was embraced in the stipulation pursuant to which the entry papers of a large number of entrymen not called, were introduced in evidence. Mr. Wm. H. Humphrey testified as to both of these entries to the effect that the agreement was entirely between himself and the entrymen, and that none of the defendants were parties to it. Evidence establishes that the entries were made with the exception of selling it, but no efforts were made to sell until after final receipt was issued.

Allen, Ben R..... 394	8/10/03	11/ 6/03	2/ 9/04	
Thompson, D. G..3028	1/ 5/02	2/25/03	3/ 6/03	C. R.

CLASS "E."

No evidence was introduced with reference to the lands acquired by the following named entrymen and entrywomen, except that by virtue of a stipulation made during the trial, March 11, 1909, the entry papers of each such entrymen and entrywomen were offered and received in evidence, from which it appears that they filed application to purchase, tendered their final proof, received final receipt and certificate, and deeded at the times hereinafter set forth. In connection with the entry papers, patents issued to

each such entrymen and entrywomen, were offered in evidence.

The following statement also shows the particular tract to which each entry belonged: The stipulation and entry papers, including patents, constitutes all that is before the Court with reference to these entries.

Name.	Tract.	Date of Fil'g.	Date of F. Prf.	Date of F. Rept.	Date of Deed.	Remarks.
Allen, Homer G.....	Basin	3/22/02		6/12/02	6/13/02	
Avery, Geo. R.....	6-4	9/14/03		12/16/03	12/24/03	
Benedix, H. F.....	Basin	11/26/01	2/13/02	7/26/02	8/12/02	
Barker, Smith.....	Basin	3/28/02		6/24/02	6/26/02	
Brookheart, Adella....	Basin	3/26/02		6/17/02	8/ 1/03	
Byro, J. H.....	Basin	4/18/02		7/11/02	7/12/02	
Bowen, S. C.....	Basin	3/17/02		6/23/02	10/30/02	
Bush, E. E.....	C. R.	9/24/02		5/ 4/03	5/15/03	
Blandford, S. M.....	C. R.	10/ 3/02		2/10/03	2/12/03	
Blandford, E. L.....	C. R.	10/ 3/02		2/10/03	2/12/03	
Briggs, Abbie M.....	6-4	6/ 8/04		9/20/04	9/29/04	
Bates, John.....	Basin	10/21/01	1/13/02	8/ 2/02	3/17/06	
Cassel, John M.....	Basin	12/19/01	3/ 7/02	11/ 5/02	3/19/03	
Cutler, G. M.....	Basin	10/ 9/05	12/ 9/01	7/26/02	8/13/03	
Campbell, A.....	6-4	9/14/03		12/16/03	12/28/03	
Clawson, C. W.....	6-4	9/14/03		12/15/03	12/14/03	
Cavanaugh, W. E.....	C. R.	9/14/02		12/26/02	2/11/03	
Dockery, Eva H.....	C. R.	9/15/02		12/20/02	2/11/03	
Dockery, E. J.....	C. R.	9/15/02		12/22/02	2/11/03	
Ensworth, Geo. H....	Basin	2/21/02		6/13/02	6/18/02	
Eoff, Victoria.....	Basin	7/14/04		10/25/04	9/ 2/05	
Flint, Uriah.....	Basin	12/21/01	3/12/02	7/12/02	8/ 5/02	
French, Joseph.....	Basin	3/26/02		6/20/02	7/ 9/03	
French, John D.....	Basin	3/26/02		6/20/02	6/25/03	
Fisher, Anna.....	6-4	9/14/03		12/11/03	2/29/04	
Glass, T. M.....	Basin	10/ 1/01	12/13/01	8/ 2/02	9/ 3/02	

Name.	Tract.	Date of Fil'g.	Date of F. Prf.	Date of F. Rept.	Date of Deed.	Remarks.
Hamilton, J. H.....	Basin	9/11/01	11/27/01	7/29/02	2/12/03	
Horner, S. S.....	C. R.	7/10/03		10/ 9/03	12/29/03	
Horner, Hortense.....	C. R.	7/10/03	10/ 9/03	10/ 9/03	12/29/03	
Harrington, E. A.....	C. R.	5/29/03	8/19/03	8/19/03	9/10/03	
Johnson, Oliver.....	Basin	9/25/02		1/29/03	6/17/03	
Judge, Wm.....	Basin	3/25/02	6/18/02	6/18/02	6/28/02	
Jaycox, Luella.....	C. R.	7/20/03		10/16/03	12/31/03	
Jaycox, Orlin R.....	C. R.	7/20/03		10/16/03	12/31/03	
Kelly, T. F.....	C. R.	9/ 4/02		12/17/02	2/11/03	
Koppa, Michael.....	Basin	10/ 9/01	12/19/01	8/ 2/02	7/29/05	
Lewin, W. H.....	Basin	3/28/02		7/25/02	7/15/03	
Lewin Gertrude.....	Basin	4/29/02		7/18/02	7/15/03	
Lake Beulah.....	6-4	1/ 8/04		9/20/04	9/30/04	
McBurney, A. F.....	Basin	12/23/01	3/13/02	8/ 1/02	4/ 7/03	
Marcum, Sam.....	Basin	3/22/02		6/12/02	6/28/02	
Marcum, W. J.....	Basin	4/18/02		7/ 9/02	7/ 9/02	
Nickerson, F. B.....	Basin	10/19/01	1/ 7/02	5/ 5/02	6/ 3/03	
Nelson, Chas.....	Basin	11/ 1/01	1/28/02	8/ 6/02	3/19/03	
Noble, W. F.....	C. R.	9/25/02		1/29/03	2/13/03	
Olson, Jens.....	Basin	8/27/02		11/21/02	12/ 6/02	
Ownbey, Harrison.....	C. R.	8/30/02		12/11/02	2/ 9/03	
Ownbey, James.....	C. R.	8/30/02		12/11/02	2/13/03	
Pawley, J. J.....	C. R.	8/10/03		11/10/03	11/21/03	
Rose, Jno. W.....	Basin	9/16/02		1/23/03	2/ 6/03	
Rice, Henry.....	Basin	12/26/01	3/28/02	8/ 1/02	3/19/03	
Roberts, W. F.....	Basin	12/24/01	3/20/02	7/18/02	3/17/03	
Rothine, G. H.....	Basin	11/26/01	2/14/02	7/14/02	7/14/02	
Resser, Burt.....	C. R.	7/24/03		10/16/03	11/14/03	
Walker, C. A.....	Basin	12/ 7/01	2/20/02	7/18/02	8/12/02	
Woodman, D. P.....	Basin	3/44/02		6/17/02	3/23/03	
Warren, G. S.....	Basin	8/11/02		11/11/02	3/23/03	
Wilmot, W. F.....	Basin	12/26/01	3/19/02	7/18/02	3/20/03	
Wilson, Lena D.....	C. R.	10/ 2/02		3/20/03	3/26/03	
Wilson, W. L.....	C. R.	10/ 2/02		3/20/03	3/26/03	
Wilhite, G. F.....	C. R.	9/24/02		1/27/03	2/14/03	
Wilhite, Elizabeth.....	C. R.	9/24/02		1/27/03	2/14/03	
York, G. M.....	C. R.	4/22/03		7/20/03	7/31/03	
Kempner, H. M.....	C. R.	10/ 1/02		1/14/03	2/ 2/02	

NOTE.—The stipulation above referred to, made March 11, 1909, during the trial of this action, included eighty-seven (87) entries. Subsequent to making the stipulation, a large number of the entrymen therein mentioned were found and testified, and they are not included in this classification. The stipulation also includes a large number of entries not mentioned in the bill of complaint and not involved in this action, and they are also excluded. The above and foregoing list includes simply the names of entrymen and entrywomen who are named in the complaint and in the stipulation referred to, and who did not testify in this case. All names included in the stipulation, who did testify, and all whose entries are not involved in this action, are excluded from the above list.

CLASS "F."

No evidence was introduced, or stipulation made with reference to the following entries which constitute all of the entries named in the bill of complaint not embraced in the foregoing classification. As to these entries, there is nothing before the Court but the allegations of the bill.

NAME.	TRACT.
Blake, J. J.	Basin.
Gardner, C. M.	Basin.
Gardner, Alfarata.....	Basin.
Holcomb, A. S.	Basin.
Thompson, Nellie J.	Basin.
Gardner, Nathan M.....	Basin.

Endorsed: Filed July 1, 1909. A. L. Richardson,
Clerk.

At a stated term of the Circuit Court of the United States for the District of Idaho, held at Boise, Idaho, on Thursday the 8th day of July, 1909.
Present: Hon. FRANK S. DIETRICH, Judge.

No. 47.

THE UNITED STATES

vs.

BARBER LUMBER COMPANY et al.

Order Setting Cause for Trial.

It is hereby ordered that this cause be set for trial on Monday the 26th inst. at 10 o'clock, A. M., and thereupon by agreement of counsel for the respective parties and consent of the Court, it is ordered that

the parties herein be relieved from the requirements of Rule 53 of this Court, and that each party serve upon the other a copy of their brief in said cause before the argument begins. That the defendant have five days after the completion of said argument to file and serve an amended brief and the plaintiff is given five days thereafter to file and serve its reply brief.

At a stated term of the Circuit Court of the United States for the District of Idaho, held at Boise, Idaho, on Friday, the 30th day of July, 1909.
Present: Hon. ROBERT S. BEAN, Judge.

No. 47.

THE UNITED STATES OF AMERICA,
Complainant,
vs.
BARBER LUMBER COMPANY et al.,
Defendants.

Order Submitting Cause.

The argument of this cause adjourned on yesterday for further hearing was this day concluded by Chas. A. Keigwin, Assistant to the Attorney General, on behalf of the complainant, and said cause was submitted and taken under advisement by the Court.

In the Circuit Court of the United States for the District of Idaho.

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,

Complainant,

vs.

THE BARBER LUMBER COMPANY et al.,

Defendants.

Opinion.

PEYTON GORDON and CHARLES A. KEIGWIN, Special Assistants to the Attorney General, Solicitors for the Complainant.

C. T. BUNDY and A. A. FRASER, Solicitors for Defendant.

BEAN, District Judge.

This is a suit brought by the Government against the Barber Lumber Company, a corporation, and others, to cancel and set aside 210 patents for lands in the State of Idaho, issued by the complainant to that number of entrymen and entrywomen under the Timber and Stone Act of June 1878, 20 Stat. at Large, Chap. 151, the title to the lands described in such patents having, by proper conveyances, vested in the defendant corporation.

The complainant charges, in substance that the defendant, the Barber Lumber Company, and its co-defendants, intending to defraud the complainant out of large tracts of valuable public lands, did combine, conspire and agree to and with Frank Steunenberg

now deceased, and one John I. Wells, and with other parties not necessary to be named to fraudulently procure for themselves and for their use and benefit and pecuniary advantage, large quantities of public lands by procuring certain named persons to avail themselves of the provisions of the Timber and Stone Act, by filing written statements and doing the other things required by said act, and the regulations of the Commissioner of the General Land Office, under an agreement then and there and theretofore had and entered into, wherein and whereby the said company and its co-defendants agreed to purchase the lands described in the respective statements and applications of the applicants, as soon as they should secure title thereto, they agreeing to furnish or procure to be furnished and supplied to the applicants the amount of money necessary to pay all expenses in connection with making the filings and procuring title, including the sum necessary to pay for the land.

That in pursuance of this unlawful and corrupt conspiracy and agreement, and to carry out and effect the object and purposes thereof, the defendant, the Barber Lumber Company and its codefendants, together with Steunenberg and Wells, did unlawfully, falsely, fraudulently and corruptly induce and procure divers named persons to apply at the United States Land Office at Boise, Idaho, for lands under the provisions of the Act of Congress referred to, and did cause, induce and procure such parties, and each of them, to appear before the Register or Receiver of the Land Office, and each to make and subscribe an oath to the written statement required by

the Act of Congress, of persons desiring to avail themselves of the provisions thereof, in substance that he did not apply to purchase the land described in his statement on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he had not, directly or indirectly, made any agreement or contract with any person or persons whomsoever, by which the title which he might acquire might inure in whole or in part to the benefit of any person except himself; that the statement so made by each of the applicants was false, fraudulent and untrue, and made for the purpose of procuring title from the United States to the lands described in the several sworn statements to the persons named, pursuant to the unlawful, false, fraudulent and corrupt conspiracy, combination and agreement referred to; that in truth and in fact divers of the several applicants had been supplied and furnished the money with which to pay for the lands, and the fees and expenses incident to obtaining title thereto, by the Barber Lumber Company and its codefendants, pursuant to such unlawful combination and conspiracy; that thereafter the Barber Lumber Company and its codefendants, by reason of such unlawful, corrupt and fraudulent schemes and practices, and by and through the various persons named in the bill as employed by them for that purpose, fraudulently obtained and procured the patents of the complainant to be issued to the various named persons, and that such patents were not procured in compliance with the laws of the United States, but were illegal, fraudulent and void as against the com-

plainant, and contrary to equity and good conscience.

The Barber Lumber Company alone answered, denying the fraud charged in the bill, and pleading affirmatively that it purchased the lands in controversy from the several entrymen and entrywomen in good faith for a valuable consideration and without notice or knowledge of illegality in the method of procuring title from the Government, if any such existed.

Upon the issues thus joined, the case was referred to a Master to take testimony and upon his report, the case has been tried and submitted.

The suit is brought to set aside land patents issued by the Government on the ground of fraud. The Bill of Complaint sets forth in detail the acts constituting the alleged fraud, which consist substantially in an averment that while the lands in question were entered ostensibly in the names of the several entrymen and entrywomen, they were in reality entered for the use and benefit of the Barber Lumber Company, and under a corrupt and illegal agreement between such entrymen and entrywomen and the company made prior to the time the respective applications for the purchase of the land were filed in the local land office, and that the affidavits attached to each of said applications, and the oath of each applicant made at the time of his application that he did not apply to purchase the land on speculation but in good faith to appropriate it to his own exclusive use and benefit, and that he had not directly or indirectly made any agreement or contract in any way or manner with any person or persons whomsoever,

by which the title which he might acquire should inure in whole or in part to the benefit of any person except himself, was false and untrue. Upon this averment complainant must recover if at all. In a suit of this character, the bill must show specifically and in detail in what the fraud consists and how it was effected, and although the complainant may make out a case which, under other circumstances would entitle it to the aid of the Court, yet if it is not the case made by the bill, it cannot recover.

Southall vs. Farish, 1st L. R. A. 641.

Kent vs. Kent, 82 Va. 205.

Lewis Pub. Co. vs. Wyman, 168 Fed. 756.

With this understanding of the issues and the rule of law governing the proof thereunder we can proceed to a consideration of the facts.

The evidence is voluminous, consisting of between four and five thousand pages of closely typewritten matter, together with a large number of exhibits, and in the nature of things it is impossible to note it in detail, or the various inferences or conclusions drawn therefrom. I can do nothing more than state briefly my conclusions, after a careful consideration of the record, aided materially, as I have been, by the able and exhaustive arguments and briefs of counsel. A large part of the testimony was taken over the objection of the defendant that it was immaterial, irrelevant and incompetent, and these objections were renewed on the trial by a motion to strike out. It is not necessary, however, to consider the objections at this time, for the reason that whether the testimony is competent or not, it does not affect the conclusions

to which I have arrived.

The lands involved, because of their locality and the time and circumstances under which the title was acquired from the Government are naturally divided into three classes and have been so considered throughout the trial, although not so designated in the bill, viz.: Ninety-two entries in the Boise Basin, and known as the "Basin Lands." A like number of entries in the Crooked River Country, some distance east of the Basin and known as the "Crooked River Lands." And twenty-six entries in township six, four east, known as the "6-4 lands."

The Basin lands were all open to entry prior to the year 1898, but no entries were made therein until the year 1901. During the late summer or early autumn of that year, Parrish & Manning, a Minnesota firm, advertised in the Minneapolis papers that they were able to and would show persons desiring to purchase lands under the Timber & Stone Act, valuable tracts of lands in the Boise Basin, in the State of Idaho, for a consideration of \$135.00 paid by each, which was to include the cost of transportation from Minnesota to the lands. In pursuance of this advertisement and under an arrangement with Parrish & Manning, five or six people came from Minnesota to Idaho, with the intention of taking land under the Timber & Stone Act. Among the number were Patrick H. Downs, and a man by the name of Snow. Downs and Snow were somewhat familiar with timber, acquainted with the Government surveys, and capable of estimating the timber on a given tract of land and tracing out the boundary lines

thereof. After they arrived in Idaho they worked five or six weeks for Parrish & Manning in cruising the lands in the Boise Basin, and thus familiarized themselves with the quantity and quality of the timber thereon, and with the location of the several tracts. Parrish & Manning's scheme, however, proved unsuccessful and was abandoned early in the fall of 1901, but, either on account of the notoriety which it had given to the Boise Basin, or because of a local railroad enterprise headed in that direction, or the unaccountable desire to acquire title to public lands which sometimes possesses a community without any apparent reason, or for some other cause, a sudden demand seems to have arisen for timber land in that vicinity by persons desiring to purchase the same under the Timber & Stone Act, and Downs and Snow conceived the idea of engaging in selling the information they then possessed or might thereafter acquire, to such persons. Snow, however, soon returned to Minnesota, and Downs formed a partnership with John I. Wells, a resident of the Basin country. Under the arrangement between them, Wells was to move to Boise City, some forty or fifty miles distant from the land, and there receive applications from persons desiring to enter the same, and send such applicants up to Downs, who was to show them the various tracts, for which they were to charge the applicant a fee of twenty-five dollars, to be divided equally between them. In pursuance of this agreement, about seventy-five applications were made by persons who were shown the lands by Downs and Wells, up to January 1, 1902, about

twenty of whom had tendered their final proof. No final certificates, however, had been issued in any of these cases because, prior to the filing of the applications, a general order of the Land Department suspending the right of the officers of the local land office to issue such certificates on Timber & Stone entries, and requiring the final proof in all such cases to be sent to Washington for examination there, had been issued. As the time for final proof approached, several of the applicants found themselves without means with which to pay for the land, and about the 1st of January, 1902, Wells arranged with William Sweet, a resident of the Basin, to furnish to such of them as might need it, the necessary money with which to make such payments, and from eighteen to twenty of the applicants making final proof after the 1st of January were supplied with money by Sweet through Wells. Soon after agreeing with Wells to furnish this money, Sweet conceived the idea of purchasing and assembling as large a tract of this land as possible in one holding, and for that purpose employed defendant, John Kinkaid, formerly a resident of the Basin, to purchase the lands for him from the applicants, but Kinkaid did not do so because final certificates had not been issued and, as he understood the law, and as it was then interpreted by the Land Department, and generally understood by the profession, it was illegal and unlawful for an applicant under the Timber & Stone Act to sell, or contract to sell, his land prior to the issuance of the final receipt.

In February, 1902, Ex-governor Steunenberg of Idaho became interested with Mr. Sweet in this ven-

ture, purchasing or contracting to purchase, a one-half interest therein, and by the first of March he and Sweet had acquired control of about sixty-four hundred acres, and Steunenberg began to look about for some person or persons with capital sufficient to acquire the title to the lands held by himself and Sweet, purchase other lands in the vicinity, and otherwise handle the enterprise. To that end he submitted the matter to A. B. Campbell of Spokane, but Mr. Campbell, not desiring to engage in the timber business, referred him to A. E. Palmer of that city, who had formerly been in the employ of the Northwestern Lumber Company of Wisconsin, in which the defendants, Barber and Moon, were largely interested and the principal officers, and who had been requested by Mr. Barber to report to him any prospective timber deal which looked promising. On February 21, 1902, Palmer wrote to Barber and Moon at Eau Claire, Wisconsin, advising them of Steunenberg's proposition and recommending its consideration by them. This was the first information either Barber or Moon had concerning the lands in question, or that there were any timber lands in Boise Basin. After several letters and telegrams had passed between Palmer and Barber in reference to the matter, Barber wired for Steunenberg to come to Eau Claire. Steunenberg arrived in Eau Claire on March 6th, and had an interview with Barber and Moon, in which he represented to them that he and Sweet had become interested in some land titles in the Boise Basin in the State of Idaho; that they had purchased or acquired about sixty-four hundred

acres for which they had final receipts, but had taken no deeds because patents had not issued, and that they were holding back part of the purchase money until patents should be issued; that there were from forty-five hundred to five thousand acres more in the same locality for which applications had been made and upon which final proof would soon be made, and he was confident that it could be purchased when it came on the market at not to exceed five dollars an acre, and that enough more land could be secured in the same vicinity by the use of lieu land scrip to make a total of twenty-five thousand acres; that Sweet was not able or willing to finance the matter any further, but would sell out at a profit of fifty per cent, on his present investment, and requested Barber and Moon to buy Sweet out, furnish the money with which to purchase the other claims when they should come on the market, and to buy scrip with which to secure an additional amount of land necessary to make the aggregate of twenty-five thousand acres.

After considerable negotiation between Barber and Moon and Steunenberg, a written contract was finally prepared and signed by Barber and Moon on the 12th of March, 1902, in which it was stipulated and agreed that, in the event they should purchase and acquire the interest of Sweet in the lands in question, and pay him therefor, the amount of his actual investment, together with an additional fifty per cent, Steunenberg could and would procure by good and perfect title and vest in them, within six months from the date thereof, twenty-five thousand

acres of land with at least 200,000,000 feet, board measure, of merchantable pine and fir timber standing and growing thereon, in substantially compact form, along and adjoining Grimes and Moores Creeks, in what is known as Boise Basin, in the southern part of Boise County, Idaho, and so situated as to be valuable for manufacturing into lumber, the total cost thereof not to exceed in the aggregate the sum of \$140,000.00. In consideration of this stipulation on the part of Steunenberg, Barber and Moon agreed that they would pay to Sweet the amount of money actually expended by him in assembling such lands, with fifty per cent, added, and that they would, from time to time and when required, advance the necessary funds to purchase government scrip with which to obtain title to other lands, and to acquire title from persons other than the United States, provided that no funds should be advanced except for actual investment in lands and obtaining title thereto in the name of Barber and Moon. It was further stipulated that when the title should be vested in Barber and Moon to twenty-five thousand acres under the contract, that they might at their option, cause a corporation to be organized under the laws of the State of Wisconsin, with a capital stock equal to the investment made in acquiring title thereto, and cause all such lands to be conveyed to such corporation. But in the event that title to twenty-five thousand acres should not be vested in Barber and Moon within six months from the date of the contract, they were to be at liberty to sell and dispose of all the lands ac-

quired by them in pursuance thereof, after giving Steunenberg six months notice of their intention to do so, and retain out of the moneys so received the whole amount which they might have advanced under the contract. This agreement was not to become effective until Steunenberg's statements and representations about the land and the investment of Sweet therein should be verified by Mr. Palmer, who was to act as the agent and representative of Barber and Moon.

On the day the contract was signed by Barber and Moon at Eau Claire, Mr. Barber left for the south on his vacation, and on the next day Mr. Moon forwarded a copy of the contract, together with a letter of instructions, to Palmer, and requested Palmer to proceed to Boise as soon as convenient to examine into the matter and to close with Steunenberg if he found the conditions as represented.

In pursuance of this understanding and agreement, Palmer went to Boise the last of March or the first of April, and, after an investigation, closed the contract with Steunenberg on the 10th of April, paying him for himself and Sweet about \$40,000.00. This was the first connection that Barber and Moon, or either of them, had with the Basin entries. At that time all of such entries involved in this suit had been made except about eighteen, but no final certificates had been issued because of the order referred to, although that fact was not known by nor communicated to Barber and Moon. There is no evidence whatever in the record that any of the entries were made at the instigation of or in the in-

terest of Barber and Moon, or the Barber Lumber Company, which was subsequently organized by them on the 20th of the following July. None of these entrymen were the agents nor employees of Barber and Moon, nor were Barber and Moon acquainted with them, nor had they ever heard of the land in Boise Basin or its condition until advised by Palmer of Steunenberg's proposition in February, 1902, and their subsequent interview with him about the first of the following March. Forty-nine of the ninety-two entrymen and entrywomen whose applications are involved in this controversy were witnesses in the case. They all testified that their applications were made by them for their own use and benefit, and not under any contract or agreement with Barber and Moon, or the Barber Lumber Company, or any other person, by which the title to the land which they might acquire would inure to their benefit. The order suspending the action of the local land office was vacated in June, 1902, and final certificates began to issue. Immediately thereafter Steunenberg commenced taking deeds from the applicants in order to comply with his contract with Barber and Moon. For that purpose, he employed the defendant, Kinkaid, who in turn engaged the services of defendant, Pritchard, to assist him, Steunenberg agreeing to allow Kinkaid \$800.00 for each claim he could purchase. Upon the delivery of the deeds and final receipts by Kinkaid, Steunenberg paid him the amount due the several applicants, drawing on Barber and Moon therefor. It would seem from this testimony, and

it is undisputed, that the averment of the bill that the entries were made ostensibly in the name of the applicants but in reality for the Barber Lumber Company is wholly unsupported by the testimony.

It is argued on behalf of the Government that, because there is some evidence tending to show that the pecuniary condition and financial ability of many of the applicants and of Downs and Wells, the locators, were such as to render them unable to provide the money necessary to make final proof, there must have been some powerful financial influence back of the movement, and the applications must have been thus induced; and since thereafter the Barber Lumber Company acquired title to the lands, it must be assumed as conclusive, in the absence of evidence as to the supposed interest back of the movement, that it was the promoters of that company. But a patent of the United States for land, regularly issued and signed by the proper officers of the Government, cannot be avoided or set aside on mere conjecture or suspicion. The fraud charged in the bill in a suit for that purpose must be established by clear and convincing proof. In the Maxwell Land Grant Case, 121 U. S. 325, the Supreme Court takes occasion, in view of the importance of the question and the number of cases then coming before the Court, instituted by the Attorney General to set aside patents, to announce with some particularity the rule as to the nature of the testimony and the circumstances which will justify a decree in favor of the complainant in such a suit. It is there said:

“The deliberate action of the tribunals, to which the law commits the determination of all preliminary questions and the control of the progress by which this evidence of title is issued to the grantee, demands that to annul such an instrument and destroy the title claimed under it, the facts on which this action is asked for must be clearly established by evidence entirely satisfactory to the Court, and that the case itself must be within the class of causes for which such instrument may be avoided. . . . We take the general doctrine to be, that when in a court of equity it is proposed to set aside, to annul or to correct a written instrument for fraud or mistake in the execution of the instrument itself, the testimony on which this is done must be clear, unequivocal and convincing, and that it cannot be done upon a bare preponderance of evidence which leaves the issue in doubt. If the proposition as thus laid down in the cases cited, is sound in regard to the ordinary contracts of private individuals, how much more should it be observed where the attempt is to annul the grants, the patents, and other solemn evidences of title emanating from the Government of the United States under its official seal. In this class of cases, the respect due to a patent, the presumptions that all the preceding steps required by the law have been observed before its issue, the immense importance and necessity of the stability of titles dependent upon these official instruments, demand that the efforts to set them aside, to annul them, or to correct mistakes in them should only be successful when the allegations on which this is

attempted are clearly stated and fully sustained by proof. It is not to be admitted that the titles by which so much property in this country and so many rights are held purporting to emanate from the authoritative action of the officers of the Government, and, as in this case, under the seal and signature of the President of the United States himself, shall be dependent upon the hazard of successful resistance to the whims and caprices of every person who chooses to attack them in a court of justice; but it should be well understood that only that class of evidence which commands respect, and that amount of it which produces conviction, shall make such an attempt successful."

This doctrine has been followed and approved by the Supreme Court in many subsequent cases:

Colorado C. & I. Co. vs. U. S., 123 U. S. 307.

U. S. vs. Budd, 144 U. S. 154.

U. S. vs. Stinson, 197 U. S. 204.

It was therefore not incumbent upon the answering defendant to explain any of the suspicions or inferences as to the influence behind the original movement in the location of the land in the Boise Basin, if there was any improper influence, a fact not deducible from any testimony in this case, except the merest inference. It is just as reasonable and certainly more just to suppose that the entrymen and entrywomen in making the applications to purchase acted, as they each testified, honestly and in good faith, than it is to conjure up some contrary theory, which necessarily assumes that all the witnesses in this case upon that question perjured

themselves on the trial. Patents have been regularly issued for all of these lands, and the defendant has purchased and paid for them at the rate of at least eight hundred dollars per claim, and the burden of proof is on the Government to show that the patents which it has issued were procured by fraud, before such patents can be avoided. Mere inference, conjecture or suspicion is not enough.

The next in order are the Crooked River lands. The acquisition of title in this section of the country was not in contemplation by either Barber or Moon or Steunenberg at the time the contract of March, 1902, was entered into between them. It was supposed at that time that the investment would be confined to the Boise Basin. During the fall and winter of 1901, while Downs and Wells were engaged in locating people in the Basin, Downs learned that there was probably valuable timber land in the Crooked River country, and it was arranged between himself and Wells that he should investigate that country the following spring after the snow had disappeared, which he did, and ascertained that there was a considerable body of valuable timber land in that section. No applications to purchase here were made under the Timber & Stone Act until the last of August, 1902. About that time Barber and Carson, who was interested with him as a stockholder in the Barber Lumber Company, visited Boise to look after their interests in that section, and while there were advised by Steunenberg that there was a large body of land in the Crooked River country which could

be secured by the use of lieu land scrip. Steunenberg was then instructed by them to send an estimator into that country to examine and estimate the timber for the purpose of ascertaining whether it was of sufficient value and in sufficient quantity to justify them in securing title thereto by the use of scrip. About the time of this visit and the instructions to Steunenberg to have the Crooked River country investigated, Downs and Wells, no doubt with knowledge of that fact, began actively locating residents of Boise City and vicinity in that section of the country under the Timber & Stone Act, charging and collecting from each applicant a fee of twenty-five dollars, and from the 27th of August to the 18th of October, seventy-nine claims were so located. About the first of October, Steunenberg employed a man by the name of Taylor, and sent him into the Crooked River country for the purpose of investigating and estimating the quantity of timber, in pursuance of instructions given the previous August by Barber and Carson. Taylor learned from the residents that a large part of the land had already been filed on by applicants under the Timber & Stone Act, and upon his return so reported to Steunenberg. In December, 1902, Steunenberg wired Barber and Moon, at Eau Claire, Wisconsin, that he was going east with important information with reference to the Crooked River lands. Upon his arrival at Eau Claire, he advised them of the situation and that it would not be possible to acquire the land by the use of the scrip because of these applications, and was instructed by

Barber and Moon to have the lands examined, and if the timber was found satisfactory, to purchase them, if he could do so at not to exceed one thousand dollars a claim, after final proofs were made and they came on the market. After these filings were made, the defendant Kinkaid secured control of them and was offering them for sale. Steunenberg, in pursuance of his instructions from Barber and Moon, entered into negotiations with Kinkaid for their purchase and finally succeeded, in February, 1903, in making a contract to take them at a price of nine hundred and fifty dollars for each claim, and Steunenberg drew on the Barber Lumber Company for \$20,000.00, which was the first money furnished by the company for this purpose. Twenty-nine or thirty additional applications were filed in the land office after this date and were subsequently purchased by the company through Steunenberg.

It is charged in the bill, and argued on behalf of the Government, that all of these entries were made by the entrymen ostensibly in the names of the entrymen and entrywomen but in reality for the use and benefit of the Barber Lumber Company, and with the intention on its part to evade the provisions of the Timber & Stone Act. Except the mere inferences to be drawn from the fact that the company was willing and perhaps anxious to obtain lands in that district, and that it did subsequently acquire title to all these lands, there is no evidence to support the averments of the bill. On the contrary, all the testimony negatives any such conclusion. Many of the entrymen and entrywomen were

called as witnesses in this case. Each and every one of them testified unequivocally and directly that the averments of the bill, so far as he or she was concerned, were false and that there was no understanding or agreement by which the title to the land should inure to the benefit of any person other than the applicant, and that he or she had made no agreement directly or indirectly with any person to that effect. Thirty-four of them testified that they did not know at the time of their filing of any market for the lands; some of the others said that they had been told that the land could be sold, but that they did not know who the purchaser was to be.

Now, in the face of this testimony, which stands here on the record uncontradicted, the Court would not be justified in finding the allegations of the bill to be true. It is to my mind more reasonable to suppose that Downs and Wells, and perhaps Kin-kaid, having learned or suspected that the Barber Lumber Company, was contemplating acquiring title to the land by the use of scrip, conceived the idea of frustrating this plan and earning some money for themselves from persons desiring to purchase land under the Timber & Stone Act, than to suppose the applications were made in pursuance of an unlawful and corrupt agreement between the applicants and the defendants.

6-4 Lands.

The plat of the 6-4 lands was not filed in the local Land Office until July 15, 1903. Sometime previous to that date, the defendant Moon visited Idaho to examine the property owned by his company with a

view of determining whether it was sufficient to justify the putting in of a manufacturing plant. While there he noticed some of the timber on what subsequently became Township 6-4, and directed Mr. Connor, an estimator in the service of the company, to examine the land and to estimate the amount of timber thereon with a view of using lieu land scrip if the timber was of sufficient value. A few days before the plat of the land was filed in the Land Office, Barber telegraphed Steunenberg not to neglect 6-4. That state, however, had sixty days after the plat was filed in which to exercise its right to select land in such township, and until its rights were exercised or waived no other entries or selections could be made. Pending the matter, the attorney for the Barber Lumber Company called at the Executive Office in Boise to ascertain whether the State intended to exercise its right of selection, and was informed by the Governor that it did. He thereupon suggested to the Governor that the State waive its right or, if not, reduce the quantity of land which it contemplated taking. During all of this time, the evidence showed that Steunenberg, as the representative of the Barber Lumber Company, was making preparation to file lieu land scrip then owned by the company on land within this township. For that purpose, he employed an attorney to prepare the necessary papers, but, as this scrip was in the name of Mr. Moon, some delay and difficulty was encountered in obtaining the necessary power of attorney from him. In the meantime, and before the land became open to entry, and before

the scrip could be used, Downs hired Kinkaid to ascertain from the State Land Office the description of the lands which the State proposed to select, and Kinkaid did so a few days before the land was open to entry. As soon as Downs secured the information, he immediately took a large number of persons who had applied to him to secure land under the Timber & Stone Act, into the township, and they selected all of the valuable land therein which had not been previously selected by the State, and each of the applicants paid Downs twenty-five dollars for his services and the information. In order that there might be no confusion or mistake in the applications, as it was important that they should be correct in order to frustrate the purpose of the Barber Lumber Company to take the land with lieu land scrip, Downs advised intending applicants to secure the services of Kinkaid in preparing the papers, which most of them did, and on Saturday, before the opening of the township on Monday, these applicants began to assemble at the local Land Office and remained there in line until the opening of the office Monday morning, when there were thirty persons in line, and their applications were duly received and filed. Some of these persons were advised to enter the land by Kinkaid and some by Downs, but many of them acted upon their own initiative. Twenty of the entrymen testified as witnesses in this case and each and every one of them swore positively and unequivocally that the entry was made for his own use and benefit and not that of anyone else; that all of them paid a location fee

of twenty-five dollars, and, in addition, the expenses of visiting and examining the land, the Land Office fees and all of the other expenses in the matter, and that all but two or three paid for the lands from their own funds, and they borrowed the money from Kinkaid. There is no evidence that this money was furnished by or was the property of the Barber Lumber Company, but, if it had been, it would not invalidate the entries unless they were made originally for the Barber Lumber Company, or under a contract or agreement, express or implied, between it and the entrymen or entrywomen, that the title acquired should inure to the benefit of the company. There would have been no illegality nor fraud in the entrymen or entrywomen subsequently contracting to sell the land to the company prior to the issuance of patent, and the company advancing the necessary money with which to make final proof to enable the entrymen and entrywomen to comply with such contract. It is probably true that some of the applicants for these 6-4 lands knew that the Barber Lumber Company was or had been buying lands in that vicinity and it may be that they expected that they would be able to sell their land to such company in case they should later conclude to dispose of it. But there is no testimony showing that there was any such agreement or arrangement prior to the time the applications were made. Indeed, it would be passing strange that the Barber Lumber Company should make such an arrangement or agreement, for, at that time, it was the owner of at least six thousand acres of lieu land

scrip costing it \$5.35 an acre which it could have used and obtained title to the land in a lawful and legal way. It is incredible therefore, to believe that it would resort to a fraudulent or unlawful scheme of acquiring title through dummy applications at a cost and expense to itself greater than it would have cost it to have acquired the lands by the use of scrip in a legal and lawful manner.

Some stress is laid by the complainant on the fact that, prior to the time this land became open to purchase, the attorney for the defendant manifested some solicitude that the State should waive its right to make selection in the township, and from that fact the inference is sought to be drawn that there was some corrupt and unlawful understanding on the part of the company to acquire this property in an unlawful manner, through dummy applications, but the inference is not justified by the facts. It is far more probable that the purpose of the company was to acquire title to the land by the use of lieu land scrip than to suppose that it intended to resort to the unlawful and hazardous means of securing it in the manner suggested.

Reliance is also had upon the statement of the witness Hoseley that a few days prior to the date the land became open to entry, Mr. Barber gave him at Eau Claire, Wisconsin, a book purporting to contain a record of the holdings of the Barber Company in Idaho, and in which book the lands subsequently acquired by the company in 6-4 were noted. Hoseley was employed by the Barber Company about the middle of September, 1903, to go to Idaho

and take charge of its logging operations. He testifies that before he left Wisconsin, Mr. Barber gave him a book containing a record of the holdings of the company in Idaho. Upon the trial of this suit, he said that the checkmarks in the book in Township 6-4 were not in it at the time it was given to him by Mr. Barber in Wisconsin, and there is other testimony showing that the statement is true. It seems, however, that on some previous occasion, either in a statement to some government official, or as a witness on some previous trial, Hoseley stated that the book, as then produced, and which contained the entry of the 6-4 lands belonging to the Barber Company, was in the same condition as it was in when it was delivered to him by Mr. Barber in September, 1903, and before there were any entries whatever in this township. Hoseley as a witness in this case explains, or attempts to explain, the previous statement in reference to this matter and gives an apparently reasonable explanation thereof. But, whether this explanation is to be regarded as satisfactory or not, the previous statements made by him are not testimony in this case. They were competent only, if at all, for the purpose of impeachment, and not as substantive evidence.

Again attention is called to a letter from Mr. Barber to George S. Long, dated November 13, 1903, in which he asks Long's permission to have deeds for lands which the Barber Lumber Company was about to acquire put in Long's name. This was before final proof had been made in the 6-4 entries. After such proof and the purchase of these entries

by the Barber Company, title was in fact taken in the name of Long, and it is argued that the letter to him was evidence of a previous agreement with the entrymen, but the fact, if it is a fact, that the Barber Company made an arrangement with Long before the final proof in these entries had been made, and if this be taken as evidence of an existing agreement had at that time between the company and some of the entrymen by which the company was to purchase the land after final proof, it is no evidence tending to support the averments of the bill, and is not proof of fraud.

One who has located a tract of land under the Timber & Stone Act is at liberty to sell his title as freely as he may sell any other property he has lawfully acquired;

“The Act does not,” says the Supreme Court in *U. S. vs. Budd*, 144 U. S. 154, “in any respect limit the dominion which the purchaser has over the land after its purchase from the government, or restrict in the slightest his power of alienation. All that it denounces is a prior agreement, the acting for another in the purchase. If when the title passes from the government no one save the purchaser has any claim upon it, or any contract or agreement for it, the act is satisfied. *Montgomery*” (the purchaser) “might rightfully go or send into that vicinity and make known generally, or to individuals a willingness to buy timber land at a price in excess of that which it would cost to obtain it from the government; and any person knowing of that offer might rightfully go to the land office and make application

and purchase a timber tract from the government.”

Indeed, under later decisions, an applicant for the purchase of timber lands has a right, after he has made his initial application, and before final proof, to contract to sell the title thereafter to be acquired, and the intending purchaser may lawfully advance to him the money with which to make final proof, in order that he may comply with his contract.

Williamson vs. U. S., 207 U. S. 425.

U. S. vs. Bigs, 29 Supreme Court Rep. 181.

It therefore seems lawful, under the Timber & Stone Act: (1) One desiring to acquire title to timber land may make known his willingness to buy the same at an advance over the government price. (2) Another person knowing of that fact may make entry with the expectation of selling to such intending purchaser. (3) The entrymen may, at any time after his application, sell or contract to sell to the other. (4) The transaction is not denounced by the Statute, or illegal or unlawful, if there has been nothing further in the way of communication or contract or agreement between the parties than as here stated. Now, the evidence in this case does not show as intimate connection between the entrymen and the defendant company as the Courts have thus approved. There is no evidence that the Barber Company, or anyone representing or acting for it, ever at any time signified a willingness or desire to purchase lands in either the Crooked River, or the 6-4 districts, at an advance over the Government price, or at all, except by the use of lieu land scrip. Nor is there any tes-

timony that any of the applicants intended or expected at the time their initial applications were filed to sell or dispose of their lands to the Barber Lumber Company. It is, I think, probable that there was a general understanding among the entrymen and entrywomen, not put into words perhaps, but, nevertheless, existing, that they would take the land and it would subsequently be assembled into one large body and sold at a uniform price to some subsequent purchaser, but there is no evidence that they had any particular purchaser in view, nor that the Barber Lumber Company was regarded as the probable purchaser, nor that it had any intention of acquiring title to the lands by means of applications under the Timber & Stone Act, nor that any of these entries were made by its procurement or solicitation, nor under any contract or agreement with it, express or implied.

In this case, the Government grounds its right to recovery upon the averment that the entrymen and entrywomen did not make application for the land in good faith for their own use and benefit but on the contrary entered such land for the benefit and under an agreement with the answering defendant. All, or substantially all, of the entrymen and entrywomen were residents of the State of Idaho, and most of them of the city of Boise. One hundred and thirty of them were called as witnesses, and each and every one of them testified that the averments of the complaint and the charges made by the Government therein are untrue, as far as he or she was concerned. Messrs. Barber and Moon, the pro-

moters and organizers of the Barber Lumber Company, and through whose efforts the land was purchased, testified to the same effect, and that neither Wells, Downs, Kinkaid, nor any of the other defendants or entrymen or entrywomen, were the agents or employees of the company, or represented it in any of the transactions referred to in this case. Wells and Downs, who showed the applicants the lands located upon by each of them, both testified that they had no understanding or agreement whatever, with the applicants as to what should be done with the land; and that they had no interest in the matter except to obtain the location fees; that they were not employed by nor in the service of Barber and Moon, or the Barber Lumber Company, or any of their agents or employees, but were acting for themselves alone, and such was the testimony of Kinkaid and Pritchard as to their connection with the matter. All of this evidence stands uncontradicted except by mere inference or conjecture.

It is insisted that the entrymen and entrywomen who have testified in this case, although called as witnesses by the Government, were hostile to it, and that their testimony should therefore be disregarded or viewed with suspicion, but there was no particular hostility manifested by any of these witnesses, unless it is due to the fact that their testimony does not support the averments of the bill. The Government, was, of course, not concluded by their testimony, but it cannot insist that they are unworthy of belief or that their testimony should be entirely disregarded and that the facts found by

the Court to be contrary to what these people have testified to, without some evidence upon which to base such a conclusion. The testimony was competent and, unless self-contradictory or inherently improbable, it must necessarily prevail in the absence of contravailing evidence.

Dravo vs. Fabel, 25 Fed. 116.

Dravo vs. Fabel, 132 U. S. 487.

U. S. vs. Clark, 125 Fed. 774.

U. S. vs. Clark, 138 Fed. 294.

There are some matters connected with the acquisition of title to some of the lands and the payment therefor which are calculated to arouse suspicion as to the good faith of the transaction, but they are not sufficient to overcome the positive testimony in the case, and could probably have been explained but for the untimely assassination of Ex-Gov. Steunenberg.

It is argued on the facts, as disclosed by the evidence, that the plaintiff is entitled to relief because the contract of March, 1902, between Barber and Moon and Steunenberg, contemplates the use by them of the Timber and Stone Act to acquire title to a larger area of the public lands, not then filed upon, than the parties to the contract were entitled to take in their own right. That it is a fraud upon the Government for an individual or an association of individuals to undertake to acquire a larger area of public land under the act referred to than such a party or association are entitled to in their own right may be conceded.

U. S. vs. Trinidad Coal Co., 173 U. S. 160.

U. S. vs. Keipel, 211 U. S. 370.

But neither the contract nor the evidence in this case discloses such a scheme on the part of Barber or Moon or Steunenberg; on the contrary, the language of the contract, the subsequent correspondence between the parties, and the testimony of all of them, as well as their conduct, show that the intention was to acquire title by lieu land scrip to a sufficient area, with that already filed on, to make an aggregate of 25,000 acres, and not to use the Timber and Stone Act for that purpose.

A large volume of correspondence of the defendant company and Barber and Moon concerning the matters involved in this suit has been read into the record. It is suggested, on behalf of the Government, that this correspondence is probably a fabrication, and is unworthy of credit, because, in one of Steunenberg's letters, dated February 3, 1902, reference is made to a certain Mr. Tipton "present Assistant U. S. Attorney," while in fact it is said Mr. Tipton was not appointed to that office until August, 1908, but this fact, standing alone and without any explanation whatever, is insufficient to discredit all the rest of the correspondence which was taken from the files of the defendant company and appears to have been had in the usual course of its business. It would have been quite impossible to have fabricated all of this correspondence, and, certainly, if any one had done so, he would not have made the mistake occurring in Steunenberg's letter.

In reaching a conclusion in this case, I have not

overlooked the testimony concerning what is known as the Wells and Granger and Anderson group of entries made in the Boise Basin in September, 1907, nor the influence from high sources said to be brought by defendants or some of their agents, to bear upon the special agents detailed by the Department to investigate these entries. None of them are involved in this suit. They were cancelled by the Department and never passed to patent. The evidence in relation thereto, therefore, has but little, if any, bearing upon the question of whether the particular entries mentioned in the bill of complaint were made in the manner and for the purpose therein alleged, and that is the sole question to be determined in this case.

Upon the whole record, my conclusion is that the averments of the bill are not sustained and that it should be dismissed. Let a decree be entered accordingly.

[Endorsed]: Filed Sept. 7, 1909. A. L. Richardson, Clerk.

*In the Circuit Court of the United States, Central
Division, District of Idaho.*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE BARBER LUMBER CO et al.,

Defendants.

Decree.

This case having been heretofore submitted for decision upon the pleadings, evidence and proof, and

now being fully advised in the premises, the Court finds that the allegations in the Bill of Complaint are not sustained by the testimony and there are no equities therein. It is therefore ordered, adjudged and decreed that the Bill of Complaint be and the same is hereby dismissed.

(Signed) R. S. BEAN,
Judge.

[Endorsed]: Filed Sept. 7, 1909. A. L. Richardson, Clerk.

*In the Circuit Court of the United States for the
District of Idaho, Central Division.*

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,
Complainant,

vs.

THE BARBER LUMBER COMPANY (a Corporation) et al.,
Defendants.

Petition for Appeal.

To the Judges of the Circuit Court of the United States, for the District of Idaho:

Your petitioner, the United States of America, the complainant in the above-entitled cause, lately depending in the court above named, respectfully represents and shows that in the said cause there was entered at the March term of said court, in the year 1909, a final decree greatly to the prejudice and injury of your said petitioner, by which said decree the bill of complaint filed by your said petitioner as

complainant in the said cause was dismissed, and which said decree is erroneous and inequitable in many particulars, some of which are specified and assigned as errors by your said petitioner in an assignment of errors lately filed by your said petitioner in the said cause, in the office of the Clerk of said Court.

Wherefore, to the end that your said petitioner may obtain relief in the premises and have opportunity to show the said errors complained of, and that the said errors may be corrected, and the said decree reversed, your said petitioner prays that it may be allowed in the said cause an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, and that proper orders to the allowance of such an appeal may be made by this Court.

GEO. W. WICKERSHAM,

Attorney General of the United States.

PEYTON GORDON,

Special Assistant to the Attorney General,

Solicitors for Complainant.

[Endorsed]: Filed October 30, 1909. A. L. Richardson, Clerk.

*In the Circuit Court of the United States for the
District of Idaho, Central Division.*

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,

Complainant,

vs.

THE BARBER LUMBER COMPANY (a Corporation) et al.,

Defendants.

Assignment of Errors.

Now comes the United States of America, the complainant in the above-entitled cause, and, with a view to the obtaining and the prosecution of an appeal from the decree lately entered in the said cause in the court above named, files this the said complainant's assignment of errors in the said decree as stating and designating the errors in the said decree upon which the said complainant intends to reply in such prosecution of the said appeal.

And the said complainant assigns for such errors and says that the said United States Circuit Court in rendering and entering the said decree erred in these matters and things, that is to say:

I. That the said Court erred in dismissing the bill of complaint filed by the said complainant in the said cause.

II. That the said Court erred in not granting by decree appropriate to that end the relief prayed by the said complainant in the bill of complaint filed by the said complainant in the said cause.

III. That the said Court erred in failing to find from the evidence in the said cause that the defendants named in the said bill of complaint had conspired among themselves, with each other and with divers other persons named and indicated in the evidence, to defraud the United States in the manner and for the purposes stated and charged in the said bill of complaint, and that the said defendants did so defraud the United States in such manner and in respect of the lands of the United States designated and described in the said bill.

IV. That the said Court erred in finding and in holding that the titles to the lands designated and described in the said bill of complaint were obtained from the United States in accordance with law and without fraud, and that the said titles are valid in the hands of the defendant, the Barber Lumber Company.

V. That the said Court erred in holding that the complainant was entitled to relief only upon proof of the particular averments made in the bill of complaint, and that relief could not be granted to the said complainant upon evidence making out a case which, under other circumstances, that is to say, upon other averments, would entitle the complainant to the aid of the Court.

VI. That the said Court erred in holding that it was not incumbent upon the defendants to account for and to explain the manner in which the lands in suit were obtained, or to rebut the presumptions arising upon and the inferences flowing from the facts and the circumstances of suspicion established

by the complainant's proof, and in not holding that it was incumbent upon the said defendants to explain and account for such facts and circumstances, the proof made by the complainant having established prima facie the averments of fraudulent and illegal acquisition of the said lands by the said defendants.

VII. That the said Court erred in finding that the defendants purchased the lands designated in the bill under such circumstances as constituted the said defendants innocent purchasers of the said land in good faith, for value and without knowledge or notice of any fraud, illegality or other defects in the titles to the said lands.

VIII. That the said Court erred in holding that, in the circumstances and upon the facts established by the evidence herein, the defendants were innocent purchasers of the said lands in good faith, for value, and without notice of fraud, illegality or other defects in the titles to the said lands.

IX. That the said Court erred in not finding that a certain alleged letter offered in evidence by the defendants, bearing date of February 3, 1902, and represented to have been written on February 3, 1903, by Frank Steunenberg, in which letter one Tipton is described as being Assistant United States Attorney, the said letter appearing on page 4009 of the original transcript of testimony herein, was and is forged, fabricated and not a genuine letter of the character, date and authorship by it purported.

X. That the said Court erred in failing to find that the tracts of land designated in the bill of com-

plaint were severally entered by the several persons respectively making entry thereof under and in pursuance of unlawful agreements, contracts, arrangements and understandings theretofore, and prior to the several dates of the said entries, made and entered into by and between the said several persons so making entries of the said lands and the defendants, or some of the said defendants, whereby and in virtue of which said unlawful agreements, contracts, arrangements and understandings, the said entries were made in the interest and for the benefit of the said defendants, or some of them, and the lands so entered were agreed, bargained and arranged to be conveyed to the said defendants, or to some of them, all in the manner stated and charged in the bill of complaint.

XI. That the said Court erred in finding and holding that the allegations in the said bill of complaint are not sustained by the testimony and evidence in said cause, and that there are no equities therein.

XII. That the said Court erred in failing to find that it was, at the inception of the transactions, shown by the evidence herein and throughout the said transactions, the purpose and intention of the defendants Barber and Moon, and afterwards of the said defendants and of the other defendants concerned in the said transactions, to acquire the lands by them proposed to be acquired and actually acquired from the United States, under and through the provisions of the Act of Congress of the United States, entitled, "An Act for the sale of timber

lands in the States of California, Oregon, Nevada and in Washington Territory," approved June 3, 1878, as amended and extended to all public land States by Act of Congress of August 4, 1892; and by means of entries to be made severally by divers and numerous other persons under and in professed and pretended accordance with the provisions of the said statute; and in finding that it was the purpose, expectation and endeavor of the said defendants to acquire the said land by the location of scrip.

XIII. That the said Court erred in failing to hold upon a finding of facts appropriate thereto and properly to be made upon the evidence herein, that the titles acquired by the defendants to the lands involved herein were acquired in fraud of the United States and of the laws of the United States, and were and are invalid and voidable at the suit of the United States, in this and for this reason, namely, that the said defendants intended to acquire and did in fact acquire the said lands under, through, and in pretended accordance with, the statutes of the United States relating to such matters, and in quantities and to an aggregate area greatly in excess of the quantities and areas which the said defendants, or any or all of them, were entitled to acquire under and in virtue of the said statutes.

XIV. That the said Court erred in not finding that the certain alleged letters following, the same being documents offered in evidence by the defendants, were and are forged, fabricated and not genuine letters of the character, date and authorship by the same purported, that is to say:

1. An alleged letter, dated December 29, 1902, purporting to be written by defendant James T. Barber, and appearing on page 4000 of the original transcript of the testimony herein;

2. And alleged letter, dated January 6, 1903, purporting to have been written by defendant James T. Barber, and appearing on page 4000 of the original transcript of the testimony herein.

XV. That the said Court erred in failing to hold, upon a finding of facts appropriate thereto and proper to be made upon the evidence herein, that the titles acquired by the defendants to the lands herein involved were acquired in fraud of the United States and in fraud of the laws of the United States, and were and are invalid and voidable at the suit of the United States, in this and for this reason, namely, that the said titles were acquired by the said defendants through and by means of entries made under and in professed accordance with the laws of the United States, which entries were by the said defendants caused and procured to be made by means of solicitation, by offers and assurances of advantage to the several persons making such entries, and other means and methods of procurement, employed by the said defendants for the purpose of causing such entries to be made in greater number than otherwise and without such procurement entries would be made, and with the intent and to the end that thereby a greater number of such entries should be made and a larger area of public land should be

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rendered subject to be acquired by the said defendants.

GEO. W. WICKERSHAM,
Attorney General of the United States.

PEYTON GORDON,
Special Assistant to the Attorney General,
Solicitors for Complainant.

[Endorsed]: Filed Oct. 30, 1909. A. L. Richardson, Clerk.

*In the Circuit Court of the United States for the
District of Idaho, Central Division.*

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,
Complainant,

vs.

THE BARBER LUMBER COMPANY (a Corporation), et al.,

Defendants.

Order Allowing Appeal.

This day came The United States of America, the complainant in the above-entitled cause, and presented its petition for an appeal and an assignment of errors accompanying the same, which petition, upon consideration of the Court, is hereby allowed, and the Court allows an appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

FRANK S. DIETRICH,

Judge,

Pursuant to request of Judge Bean, who is absent from the District.

Oct. 30, 1909.

[Endorsed]: Filed October 30, 1909. A. L. Richardson, Clerk.

In the Circuit Court of the United States, Ninth Circuit, District of Idaho, Central Division.

THE UNITED STATES OF AMERICA,
Complainant,

vs.

BARBER LUMBER COMPANY (a Corporation), JAMES T. BARBER, SUMNER G. MOON, WILLIAM SWEET, JOHN KINKAID, LOUIS M. PRITCHARD, PATRICK H. DOWNS, ALBERT E. PALMER, and HORACE S. RAND,

Defendants.

Praecipe for Transcript.

To the Clerk of the Above-entitled Court:

You will please, at once, prepare transcript of the record in the above-entitled cause, to be filed in the office of the Clerk of the United States Circuit Court of Appeals at San Francisco, California, under the appeal heretofore perfected in said Court, and include in said transcript all pleadings, proceedings and papers on file in said cause.

Dated October 31st, 1909.

PEYTON GORDON,
Solicitor for Complainant and Appellant.

[Endorsed]: Filed Oct. 31, 1909. A. L. Richardson, Clerk.

*In the Circuit Court of the United States for the
District of Idaho, Central Division.*

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,

Complainant,

vs.

THE BARBER LUMBER COMPANY (a Corporation), et al.,

Defendants.

Order Permitting Withdrawal of Exhibits.

It is hereby ordered, that the following Original Exhibits, to wit:

10g, 17g, 19g, 26s, 31m, 33s, 59k, 68j, 69h, 77h, 92h, 94l, 96h 112h, 115j, 136n, 141a, 143a, to l, inclusive, and 143n and o; 143aa, to and including 143oo; 167, 189, 193, 198, 219, 229, 234, 236, 237, 244, 245, 248, 250, 262, 263, 264, 265, 267, 272, 285, 289, 297, 298, 302, and 306; Henry Humphrey No. 1, Frank Martin No. 1, Northern Pacific Ry. Land Lists Nos. 1 and 2; Check of Frank Steunenberg, dated July 6, 1904, for \$100.00, offered in evidence at the trial of this cause, be allowed to be withdrawn from the files of this court, for the purpose of being transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, as a part of the record on appeal to the said United States Circuit Court of appeals, in this cause, to be

returned to the Clerk of this Court, upon the termination of said appeal.

Dated at Boise, Idaho, July 14, 1910.

FRANK S. DIETRICH,
Judge.

[Endorsed]: Filed July 14, 1910. A. L. Richardson, Clerk.

Citation on Appeal.

THE UNITED STATES OF AMERICA—ss.

The President of the United States of America to Barber Lumber Company, a Corporation, and to C. H. Bundy and Alfred A. Fraser, Its Attorneys, Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held at the city of San Francisco, in the State of California, within thirty days from the date of this writ, pursuant to an appeal filed in the clerk's office of the Circuit Court of the United States for the District of Idaho, Central Division, wherein the United States of America is complainant and appellant and the Barber Lumber Company, a corporation, is defendant and appellee, to show cause, if any there be, why the decree rendered against the said complainant and appellant, as in said order allowing an appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable MELVILLE W. FULLER, Chief Justice of the Supreme Court of the

United States of America, this 19th day of February, A. D. 1910, and of the Independence of the United States the one hundred and thirty-fourth.

FRANK S. DIETRICH,

United States District Judge, presiding in the Circuit Court.

[Seal]

Attest: A. L. RICHARDSON,

Clerk.

Service of the within citation and receipt of a copy thereof admitted this 19th day of February, A. D. 1910.

ALFRED A. FRASER,

Solicitor for Barber Lumber Company, a Corporation, Appellee and Respondent in Lower Court.

I hereby certify that I received the within citation on February 19, 1910, and served the same as to the defendant and appellee, the Barber Lumber Company, a corporation, by delivering to and leaving with Alfred A. Fraser, its solicitor of record, a true copy of the within writ and citation on February 19, 1910, at Boise, Idaho.

S. L. HODGIN,

U. S. Marshal.

By E. W. Beemer,

Deputy.

Boise, Idaho, February 19, 1910.

[Endorsed]: (Original.) No. 47. In the Circuit Court of the United States, Ninth Judicial Circuit, for the District of Idaho, Central Division. The United States of America, Complainant and Appellant, vs. Barber Lumber Company, a Corporation, Defendant and Appellee. Citation on Appeal. Filed

on Return February 23, 1910. A. L. Richardson,
Clerk.

Return to Record.

And thereupon it is ordered by the Court that the foregoing transcript of the record and proceedings in the cause aforesaid, together with all things thereunto relating, be transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit, and the same is transmitted accordingly.

[Seal]

Attest: A. L. RICHARDSON,
Clerk.

*In the Circuit Court of the United States, District
of Idaho, Central Division.*

THE UNITED STATES OF AMERICA,

Appellant,

vs.

BARBER LUMBER COMPANY (a Corporation),
JAMES T. BARBER, SUMNER G. MOON,
WILLIAM SWEET, JOHN KINKAID,
LOUIS M. PRITCHARD, PATRICK H.
DOWNS, ALBERT E. PALMER and
HORACE S. RAND,

Respondents.

Clerk's Certificate to Record.

I, A. L. Richardson, Clerk of the Circuit Court of the United States for the District of Idaho, do hereby certify the foregoing transcript of pages numbered from 1 to 5228, inclusive, to be full, true and correct copies of the pleadings and proceedings

in the above-entitled cause, the copies of exhibits being included therein in accordance with a stipulation, between the parties, on file in said cause, and that the same together constitute a true, complete and correct transcript of the record herein upon appeal to the United States Circuit Court of Appeals for the Ninth Circuit.

Witness my hand and the seal of said court this 16th day of July, 1910.

[Seal]

A. L. RICHARDSON,
Clerk.

[Endorsed]: No. 1883. United States Circuit Court of Appeals for the Ninth Circuit. The United States of America (Complainant), Appellant, vs. The Barber Lumber Company (a Corporation), (Defendant), Appellee. Transcript of Record. Upon Appeal from the United States Circuit Court for the District of Idaho, Central Division.

Filed July 19, 1910.

F. D. MONCKTON,
Clerk.

By Meredith Sawyer,
Deputy Clerk.

Stipulation [for Omission of Certain Original Exhibits from Printed Transcript of Record].

United States Circuit Court of Appeals for the Ninth Circuit.

THE UNITED STATES OF AMERICA (Complainant),

Appellant,

vs.

THE BARBER LUMBER COMPANY (a Corporation),

Appellee.

It is hereby stipulated between counsel for the appellant and appellee in the above-entitled cause that the exhibits named in the order of the United States Circuit Court, District of Idaho, dated Boise, Idaho, July 14th, 1910, a copy of which is hereto attached, may be omitted from the printed transcript of record on appeal herein, the originals of said exhibits being forwarded to the Clerk of the Circuit Court of Appeals by the Clerk of said United States Circuit Court in accordance with said order.

Dated Aug. 25/10.

PEYTON GORDON and

A. B. JACKSON,

Counsel for Appellant.

C. T. BUNDY,

Counsel for Appellee.

*In the Circuit Court of the United States for the
District of Idaho, Central Division.*

IN EQUITY—No. 47.

THE UNITED STATES OF AMERICA,

Complainant,

vs.

THE BARBER LUMBER CO (a Corporation), et
al.,

Defendants.

Order Transmitting Original Exhibits, etc.

It is hereby ordered that the following Original Exhibits, to wit:

10g, 17g, 19g, 26s, 31m, 33s, 59k, 68j, 69h, 77h, 92h, 94L, 96h, 112h, 115j, 136n, 141a, and 143a, inclusive, and 143n and o; 143aa, to and including 143oo; 167, 189, 193, 198, 219, 229, 234, 236, 237, 244, 245, 248, 250, 262, 263, 264, 265, 267, 272, 285, 289; 297, 298, 302, and 306; Henry Humphreys No. 1, Frank Martin No. 1, Northern Pacific Ry. Land Lists Nos. 1 and 2; Check of Frank Steunenbergh, dated July 6, 1904, for \$100.00, offered in evidence at the trial of this cause, be allowed to be withdrawn from the files of this court, for the purpose of being transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, as a part of the record on appeal to the said United States Circuit Court of Appeals, in this cause, to be returned to the clerk of this court, upon the termination of said appeal.

Dated at Boise, Idaho, July 14, 1910.

Judge.

[Endorsed]: No. 1883. United States Circuit Court of Appeals for the Ninth Circuit. United States of America vs. Barber Lumber Company, etc. Stipulation for Omission of Certain Original Exhibits from Printed Transcript of Record. Filed Sep. 2, 1910. F. D. Monckton, Clerk.





